Draft SMP Code Updates

Renton Periodic SMP Review 2018 | Public Review Draft September 20, 2018

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4-3-050C Critical Areas Regulations – Exempt, Prohibited and Nonconforming Activities

1. Permit Required:

a. Development or Alteration: Prior to any development or alteration of a property containing a critical area as defined in subsection B of this Section, entitled Applicability, the owner or designee must obtain a development permit, critical area permit, and/or letter of exemption. No separate critical area permit is required for a development proposal which requires development permits or which has received a letter of exemption.

b. Operating and Closure Permits – Wellhead Protection Areas: Wellhead Protection Areas operating permit and closure permit requirements are contained in RMC 4-9-015, Aquifer Protection Areas Permits.

2. Letter of Exemption:

a. Flood Hazard Areas, Geologically Hazardous Areas, Habitat Conservation Areas, Streams and Lakes, Wellhead Protection Areas, Wetlands: Except in the case of public emergencies, all other exemptions in this subsection C may require that a letter of exemption be obtained from the Administrator prior to construction or initiation of activities.

b. Applicability of Requirements to Exempt Activities: Exempt activities provided with a letter of exemption may intrude into the critical area or required buffer subject to any listed conditions or requirements. Exempt activities do not need to comply with mitigation ratios of subsection J of this Section unless required in exemption criteria.

c. Reports and Mitigation Plans Required: A critical area report, and/or enhancement or mitigation plan shall be required pursuant to subsections F and L of this Section, unless otherwise waived by the Administrator.

d. Administrator Findings: In determining whether to issue a letter of exemption for activities listed in this subsection C, the Administrator shall find that:

i. The activity is not prohibited by this or any other provision of the Renton Municipal Code or State or Federal law or regulation;

ii. The activity will be conducted using best management practices as specified by industry standards or applicable Federal agencies or scientific principles;

iii. Impacts are minimized and, where applicable, disturbed areas are immediately restored;

iv. Where water body or buffer disturbance has occurred in accordance with an exemption during construction or other activities, revegetation with native vegetation shall be required;

v. If a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality, then the Administrator may require compliance with the Wellhead Protection Area requirements of this Section otherwise relevant to that hazardous material, activity, and/or facility. Such determinations will be based upon site and/or chemical-specific data.

3. Exemptions – Critical Areas and Buffers:

Exempt activities are listed in the following table. If an "X" appears in a box, the listed exemption applies in the specified critical area and required buffer. If

an "X" does not appear in a box, then the exemption does not apply in the particular critical area or required buffer. Where utilized in the following table the term "restoration" means returning the subject area back to its original state or better following the performance of the exempt activity. Activities taking place in critical areas and their associated buffers and listed in the following table are exempt from the applicable provisions of this Section, provided a letter of exemption has been issued. Whether the exempted activities are also exempt from permits will be determined based upon application of chapters 4-8 and 4-9 RMC, or other applicable sections of the Renton Municipal Code. All activities within shoreline jurisdiction are subject to Shoreline Master Program Regulations in RMC 4-3-090 and 4-10-095.

EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS						
EXEMPT ACTIVITY	**Flood Hazard Areas**	**Geologic Hazard Area**	**Habitat Conservation Area**	**Streams and Lakes: Type F, Np, & Ns**	**Wellhead Protection Areas**	**Wetlands**
a. Conservation, Enhancement, Education and Related Activities:						
i. Natural Resource/Habitat Conservation or Preservation[2]	X	X	X	X	X[1]	X
ii. Enhancement activities as defined in Chapter 4-11 RMC	X	X	X	X		X
iii. Approved Restoration/Mitigation[3]	X	X	X	X	X[1]	X
b. Research and Site Investigation:						
i. Nondestructive Education and Research	X	X	X	X	X[1]	X
ii. Site Investigative Work[4]	X	X	X	X	X[1]	X
c. Agricultural, Harvesting, Vegetation Management:						
i. Harvesting Wild Foods[5]	X	X	X	X	X[1]	X
ii. Existing/Ongoing Agricultural Activities[6]	X	X	X	X		X

EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS						
EXEMPT ACTIVITY	**Flood Hazard Areas**	**Geologic Hazard Area**	**Habitat Conservation Area**	**Streams and Lakes: Type F, Np, & Ns**	**Wellhead Protection Areas**	**Wetlands**
iii. Dangerous Trees[7]	X	X	X	X[8]	X[1]	X[8]
d. Surface Water:						
i. New Surface Water Discharges[9]			X	X		X
ii. Modification of existing Regional Stormwater Facilities[10]						X
iii. Flood Hazard Areas Reduction[11]	X			X		
iv. Storm Drainage Piping[12]		X				
e. Roads, Parks, Public and Private Utilities[18]:						
i. Relocation of Existing Utilities out of Critical Area and Buffer[13]	X	X	X	X	X[1]	X
ii. New trails, existing Parks, Trails, Roads, Facilities, and Utilities – Maintenance, Operation, Repair, and the Construction of New Trails[14]		X	X	X		X
iii. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements[15]		X	X	X		X

EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS						
EXEMPT ACTIVITY	**Flood Hazard Areas**	**Geologic Hazard Area**	**Habitat Conservation Area**	**Streams and Lakes: Type F, Np, & Ns**	**Wellhead Protection Areas**	**Wetlands**
iv. Modification of Existing Utilities and Streets by Ten Percent (10%) or Less[16]		X	X[17]			X[17]
f. Temporary Wetland Impacts:						
i. Temporary Wetland Impacts[19]			X			X
g. Maintenance and Construction – Existing Uses and Facilities:						
i. Remodeling, Replacing, Removing Existing Structures, Facilities, and Improvements[20]		X	X	X		X
ii. Maintenance and Repair – Any Existing Public or Private Use[21]		X	X	X		X
iii. Modification of an Existing Single Family Dwelling[22]		X	X	X		X
iv. Existing Activities[23]	X	X	X	X		X
h. Emergency Activities:						
i. Emergency Activities[24, 25, 26, 27]	X	X	X	X	X[1]	X
i. Hazardous Materials:						
i. Federal or State Preemption[28]					X[1]	
ii. Use of Materials with No Risk[29]					X[1]	
j. Additional uses and activities allowed within Shoreline Jurisdiction:						

EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS						
EXEMPT ACTIVITY	Flood Hazard Areas	Geologic Hazard Area	Habitat Conservation Area	Streams and Lakes: Type F, Np, & Ns	Wellhead Protection Areas	Wetlands
i. Construction of a normal protective bulkhead for a single-family residence.[30]	X	X	X	X	X	X
ii. Construction or modification of navigational aids such as channel markers or buoys.	X	X	X	X	X	X
iii. Construction of a dock, or community dock, associated with residential development.[31.]	X	X	X	X	X	X
iv. Operation, maintenance, or construction of facilities developed as part of an irrigation system.[32]	X	X	X	X	X	X
v. Removing or controlling aquatic noxious weeds.[33]	X	X	X	X	X	X
vi. The retrofitting of an existing structure for compliance with the Americans with Disabilities Act of 1990.	X	X	X	X	X	X

Footnotes:

1. If a hazardous material, activity, and/or facility that is exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality, then the Administrator may require compliance with the Wellhead Protection Area requirements of this Section otherwise relevant to that hazardous material activity and/or facility.

2. Conservation or preservation of soil, water, vegetation, fish and other wildlife. Within shoreline jurisdiction this includes watershed restoration projects as defined in WAC 173-27-040(o) or projects to improve fish or wildlife habitat or fish passage approved by the Washington State Department of Fish and Wildlife as described in WAC 173-27-040(2)(p).

3. Any critical area and/or buffer restoration or other mitigation activities which have been approved by the City. Within shoreline jurisdiction this includes watershed restoration projects as defined in WAC 173-27-040(o) or projects to improve fish or wildlife habitat or fish passage approved by the Washington State Department of Fish and Wildlife as described in WAC 173-27-040(2)(p).

4. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. Investigative work shall not disturb any more than five percent (5%) of the critical area and required buffer. In every case, impacts shall be minimized and disturbed areas shall be immediately restored at a one-to-one (1:1) ratio. Within shoreline jurisdiction, this includes the marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with the normal public use of the surface water. Limitations on site exploration and investigative activities are defined in WAC 173-27-040(2)(m) for properties within shoreline jurisdiction.

5. The harvesting of wild foods in a manner that is not injurious to natural reproduction of such foods and provided the harvesting does not require tilling of soil, planting of crops or alteration of the critical area.

6. Existing and ongoing agricultural activities including farming, horticulture, aquaculture and/or maintenance of existing irrigation systems. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation; provided, that the agricultural activity must have been conducted within the last five (5) years. Activities that bring a critical area into agricultural use are not part of an ongoing operation. Maintenance of existing legally installed irrigation, ditch and pipe systems is allowed; new or expanded irrigation, ditch, outfall or other systems are not exempt. If it is necessary to reduce the impacts of agricultural practices to critical areas, a farm management plan may be required based on the King County Conservation District's Farm Conservation and Practice Standards, or other best management practices. Within shoreline jurisdiction practices normal or necessary for farming are defined in WAC 173-27-040(2)(e).

7. Removal of non-native invasive ground cover or weeds listed by King County Noxious Weed Board or other government agency or dangerous trees, as defined in Chapter 4-11 RMC which have been approved by the City and certified dangerous by a licensed landscape architect, or certified arborist, selection of whom to be approved by the City based on the type of information required.

8. Limited to cutting of dangerous trees; such hazardous trees shall be retained as large woody debris in critical areas and/or associated buffers, where feasible.

9. New surface water discharges in the form of dispersion trenches, outfalls and bioswales are allowed within the outer twenty five percent (25%) of the buffer of a Category III or IV wetland only provided that: the discharge meets the requirements of the Storm and Surface Water Drainage Regulations (RMC 4-6-030); no other location is feasible; and will not degrade the functions or values of the wetland or stream. Where differences exist between these regulations and RMC 4-6-030, these regulations will take precedence.

10. Modifications to existing regional stormwater management facilities operated and maintained

under the direction of the City Surface Water Utility that are designed consistent with the current version of the Washington State Department of Ecology Wetlands and Stormwater Management Guidelines or meeting equivalent objectives.

11. Implementation of public flood hazard areas reduction and public surface water projects, where habitat enhancement and restoration at a one-to-one (1:1) ratio are provided, and appropriate Federal and/or State authorization has been received.

12. Installation of new storm drainage lines in any geologic hazard area when a geotechnical report clearly demonstrates that the installation would comply with the criteria listed in RMC 4-3-050.J.1 and that the installation would be consistent with each of the purposes of the critical area regulations listed in RMC 4-3-050.A. Also, to qualify for the exemption, the report must propose appropriate mitigation for any potential impacts identified in the report.

13. Relocation out of critical areas and required buffers of natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment and appurtenances (not including substations), with an associated voltage of fifty five thousand (55,000) volts or less, only when required by a local governmental agency, and with the approval of the City. Disturbed areas shall be restored.

14. Normal and routine maintenance, operation and repair of existing parks and trails, or the construction of new trails, streets, roads, rights-of-way and associated appurtenances, facilities and utilities where no alteration or additional fill materials will be placed other than the minimum alteration and/or fill needed to restore those facilities or to construct new trails to meet established safety standards. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility structures and rights-of-way. In every case, critical area and required buffer impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment.

15. Within existing and improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding or alteration of all natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Where applicable, restoration of disturbed areas shall be completed. Within shoreline jurisdiction the exemption also applies to any project with a certification from the governor pursuant to chapter 80.50 RCW.

16. Overbuilding (enlargement beyond existing project needs) or replacement of existing utility systems and replacement and/or rehabilitation of existing streets, provided:

a. The work does not increase the footprint of the structure, line or street by more than ten percent (10%) within the critical area and/or buffer areas, and occurs in the existing right-of-way boundary or easement boundary.

b. Restoration shall be conducted where feasible. Compensation for impacts to buffers shall include enhancement of the remaining buffer area along the impacted area where there is enhancement opportunity.

c. The Administrator determines that, based on best judgment, a person would not: (i) be able to meaningfully measure, detect, or evaluate insignificant effects; or (ii) expect discountable effects to occur.

d. This exemption allows for ten percent (10%) maximum expansion total, life of the project. After the

ten percent (10%) expansion cap is reached, future improvements are subject to all applicable provisions of this Section.

17. Exemption is not allowed in Category I wetlands.

18. Maintenance activities, including routine vegetation management and essential tree removal, and removal of non-native invasive vegetation or weeds listed by the King County Noxious Weed Board or other government agency, for public and private utilities, road rights-of-way and easements, and parks.

19. Temporary disturbances of a wetland due to construction activities that do not include permanent filling may be permitted; provided, that there are no permanent adverse impacts to the critical area or required buffer, and areas temporarily disturbed are restored at a one-to-one (1:1) ratio. Category I wetlands and Category II forested wetlands shall be enhanced at a two-to-one (2:1) ratio in addition to being restored. For Habitat Conservation Areas, this exemption applies only to Category I wetlands.

20. Remodeling, restoring, replacing or removing structures, facilities and other improvements in existence or vested on the date this Section becomes effective and that do not meet the setback or buffer requirements of this Section provided the work complies with the criteria in RMC 4-10-090.

21. Normal and routine maintenance and repair of any existing public or private uses and facilities where no alteration of the critical area and required buffer or additional fill materials will be placed. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility or public structures and rights-of-way. In every case, critical area and required buffer impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment. Normal maintenance and repair for structures within Shoreline jurisdiction is defined by WAC 173-27-040(2)(b).

22. Additions and alterations of an existing single family residence and/or garage (attached or detached); provided, that the addition/alteration does not increase the footprint of the structure lying within the critical area or buffer; and provided, that no portion of the addition/alteration occurs closer to the critical area or required buffers than the existing structure unless the structure or addition can meet required buffers. Existing or rebuilt accessory structures associated with single family dwelling and rebuilt with the same footprint such as fences, gazebos, storage sheds, and play houses are exempt from this Section. New accessory structures may be allowed when associated with single-family dwellings such as fences, gazebos, storage sheds, play houses and when built on and located in a previously legally altered area.

23. Existing activities which have not been changed, expanded or altered, provided they comply with the applicable requirements of chapter 4-10 RMC.

24. Emergency activities are those which are undertaken to correct emergencies that threaten the public health, safety and welfare. An emergency means that an action must be undertaken immediately or within a time frame too short to allow full compliance with this Section, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation. Within shoreline jurisdiction, emergency activities are defined by WAC 173-27-040(2)(d).

25. Emergency tree and/or ground cover removal by any City department or agency and/or public or private utility involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.

26. Emergency activities in Wellhead Protection Areas: Public interest emergency use, storage, and handling of hazardous materials by governmental organizations.

27. Temporary emergency exemptions shall be used only in extreme cases and not to justify poor planning by an agency or applicant. Issuance of an emergency permit by the City does not preclude the necessity to obtain necessary approvals from appropriate Federal and State authorities. Notwithstanding the provisions of this Section or any other City laws to the contrary, the Administrator may issue a temporary emergency exemption letter if the action meets the requirements:

a. An unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted;

b. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this Section and other applicable laws;

c. Any emergency exemption letter granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this Section.

The emergency exemption shall be consistent with the following procedural and time requirements:

a. The emergency shall be limited in duration to the time required to complete the authorized emergency activity; provided, that no emergency permit be granted for a period exceeding ninety (90) days except as specified in RMC 4-3-050C.

b. Any critical area altered as a result of the emergency activity must be restored within the ninety (90) day period, except that if more than ninety (90) days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration. For the purposes of this paragraph, restoration means returning the affected area to its state prior to the performance of the emergency activity.

c. Notice of the issuance of the emergency permit and request for public comments shall be posted at the affected site(s) and City Hall no later than ten (10) days after the issuance of the emergency permit. If significant comments are received, the City may reconsider the permit.

d. Expiration of Exemption Authorization: The emergency exemption authorization may be terminated at any time without process upon a determination by the Administrator that the action was not or is no longer necessary to protect human health or the environment.

28. Cleanups, monitoring and/or studies undertaken under supervision of the Washington Department of Ecology or the U.S. Environmental Protection Agency.

29. Use, storage, and handling of specific hazardous materials that do not present a risk to the aquifer as determined and listed by the Department.

30. Normal protective bulkhead is defined in WAC 173-27-040(2)(c).

31. The construction of docks are defined and limited by WAC 173-27-040(2)(h).

32. The operation, maintenance, or construction of facilities as part of an irrigation system are defined in WAC 173-27-040(2)(i).

33. Limitations on the removal and control of aquatic noxious weeks is defined in WAC 173-27-040(2)(n).

4. Exemptions – In Buffers Only: The activities listed in the following table are allowed within critical area buffers, and are exempt from the applicable provisions of this Section, provided a letter of exemption has been issued pursuant to this subsection C. If an "X" appears in a box, the listed exemption applies in the specified buffer. If an "X" does not appear in a box, then the exemption does not apply in the required buffer. Whether the exempted activities are also exempt from permits will be determined based upon application of chapters 4-8 and 4-9 RMC, or other applicable sections of the Renton Municipal Code. All activities within shoreline jurisdiction are subject to Shoreline Master Program Regulations in RMC 4-3-090 and 4-10-095.

EXEMPTIONS WITHIN CRITICAL AREA BUFFERS						
EXEMPT ACTIVITY	**Flood Hazard Areas**	**Geologic Hazard Area**	**Habitat Conservation Areas**	**Streams and Lakes: Types F, Np, & Ns**	**Wellhead Protection Areas**	**Wetlands**
a. Activities in Critical Area Buffers:						
i. Trails and Open Space[1]		X	X	X		X
ii. Stormwater Treatment and Flow Control Facilities in Buffer[2]						X
iii. Stormwater Conveyance in Buffer[3]			X	X		X
b. Additional activities allowed in Critical Area Buffers within Shoreline Jurisdiction:						
i. Construction of a single-family residence and/or appurtenances.[4]	X	X	X	X		X

Footnotes:

1. Walkways and trails, and associated open space in critical area buffers located on public property, or where easements or agreements have been granted for such purposes on private property. All of the following criteria shall be met:

a. The trail, walkway, and associated open space shall be consistent with the Parks, Recreation, and Natural Areas Plan. The City may allow private trails as part of the approval of a site plan, subdivision or other land use permit approvals.

b. Trails and walkways shall be located in the outer twenty five percent (25%) of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be

made for:

i. Trail segments connecting to existing trails where an alternate alignment is not practical.

ii. Public access points to water bodies spaced periodically along the trail.

c. Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area abutting a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

d. Trail widths shall be a maximum width of twelve feet (12'). Trails shall be constructed of permeable materials which protect water quality, allow adequate surface water and ground water movements, do not contribute to erosion, are located where they do not disturb nesting, breeding, and rearing areas, and designed to avoid or reduce the removal of trees. Impervious materials may be allowed if pavement is required for handicapped or emergency access, or safety, or is a designated nonmotorized transportation route or makes a connection to an already dedicated trail, or reduces potential for other environmental impacts.

e. Any crossing over a stream or wetland shall be generally perpendicular to the critical area and shall be accomplished by bridging or other technique designed to minimize critical area disturbance. It shall also be the minimum width necessary to accommodate the intended function or objective.

2. Stormwater management facilities shall not be built within a critical area buffer except as allowed in Reference 5, Wetlands Protection Guidelines of the City's Surface Water Design Manual and shall require buffer enhancement or buffer averaging when they are sited in areas of forest vegetation, provided the standard buffer zone area associated with the critical area classification is retained pursuant to RMC 4-3-050G2, and is sited to reduce impacts between the critical area and surrounding activities.

3. Necessary conveyance systems including stormwater dispersion outfall systems designed to minimize impacts to the buffer and critical area, where the site topography requires their location within the buffer to allow hydraulic function, provided the standard buffer zone area associated with the critical area classification is retained pursuant to RMC 4-3-050G2, and is sited to reduce impacts between the critical area and surrounding activities.

4. WAC 173-27-040(2)(g) defines and identifies the limitations on the construction of a single-family home and appurtenances. Single-family residences and appurtenances must be located landward of the ordinary high water mark and the perimeter of a wetland. Based on the results of a critical area report, and/or enhancement or mitigation plan, the City shall condition development to require buffer enhancement or buffer averaging, site design that reduces impacts between the critical area and surrounding activities, and a building setback.

5. Prohibited Activities: Prohibited activities are identified below for each critical area governed by this Section. No action shall be taken by any person, company, agency, or applicant which results in any alteration of a critical area except as consistent with the purpose, objectives, and requirements of this Section.

a. Floodways: Encroachments, including fill, new construction, substantial improvements, and construction or reconstruction of residential structures is prohibited within designated floodways, unless it meets the provisions of subsection G4e of this Section, Additional Restrictions within Floodways.

b. Streams/Lakes and Wetlands: Grazing of animals is not allowed within a stream, lake, wetland or

their associated buffers.

c. Wellhead Protection Areas:

i. All Wellhead Protection Areas – Pesticides and Fertilizers: The application of hazardous materials such as pesticides or fertilizers containing nitrates within one hundred feet (100') of a well or two hundred feet (200') of a spring.

ii. Zone 1, as identified in subsection G8 of this Section:

(a) Changes in land use and types of new facilities in which any of the following will be on the premises:

(1) More than five hundred (500) gallons of hazardous material;

(2) More than one hundred fifty (150) gallons of hazardous material in containers that are opened and handled;

(3) Containers exceeding five (5) gallons in size; or

(4) Tetrachloroethylene (e.g., dry-cleaning fluid);

(b) Surface impoundments (as defined in Chapters 173-303 and 173-304 WAC);

(c) Hazardous waste treatment, storage, and disposal facilities;

(d) All types of landfills, including solid waste landfills;

(e) Transfer stations;

(f) Septic systems;

(g) Recycling facilities that handle hazardous materials;

(h) Underground hazardous material storage and/or distribution facilities;

(i) New heating systems using fuel oil except for commercial uses when the source of fuel oil is an existing above-ground waste oil storage tank;

(j) Petroleum product pipelines;

(k) Hazardous materials use on the site in quantities greater than that allowed for new facilities as provided in subsection C5ciia of this Section, changes in land use and types of new facilities, of this subsection, once a facility is closed, relocated, or the use of hazardous materials is terminated, reinstatement of the use of hazardous materials shall be prohibited;

(l) Facility closure, sale, transfer or temporary or permanent abandonment in a Wellhead Protection Area without complying with the requirements of RMC 4-9-015F, Closure Permit, and permit conditions of this Section; and

(m) Facility changes in operations that increase the aggregate quantity of hazardous materials stored, handled, treated, used, or produced with the following exception: An increase in the quantity of hazardous materials is allowed up to the amount allowed for a new facility as provided by subsection C5ciia of this Section, changes in land use and types of new facilities, of this Section.

iii. Zone 2, as identified in subsection G8 of this Section:

(a) Surface impoundments (as defined in Chapters 173-303 and 173-304 WAC);

(b) Recycling facilities that handle hazardous materials;

(c) Hazardous waste treatment, storage, and disposal facilities;

(d) Solid waste landfills;

(e) Transfer stations;

(f) New heating systems using fuel oil stored in underground storage tanks; and

(g) Petroleum product pipelines.

iv. Zone 1 Modified, as identified in subsection G8 of this Section: The prohibitions of Zone 1 Modified are the same as Zone 1 with the exceptions as follows:

(a) Hazardous Materials Inventory: Existing facilities are not subject to the five hundred (500) gallons maximum hazardous material quantity limitation in Zone 1 and therefore don't have to reduce inventory or relocate. Proposed facilities are subject to the maximum quantity.

(b) Septic Tanks: Existing septic tanks are allowed to remain and new septic tanks are allowed if City sewers are not available.

(c) Surface Water Management: Infiltration of runoff is allowed and pipe materials are not subject to Zone 1 specifications.

(d) Site Improvements: An existing facility that was in compliance with improvements required at the installation of the facility is not subject to new site improvements (groundwater monitoring, paving, runoff control, etc.).

6. Nonconforming Activities or Structures:

Regulated activities legally in existence prior to the passage of this Section, but which are not in conformity with the provisions of this Section, are subject to the provisions of RMC 4-10-090, Critical Areas Regulations – Nonconforming Activities and Structures.

4-3-050G Critical Areas Regulations – Development Standards

6. Habitat Conservation Areas:

a. Classification of Critical Habitats: Habitats that have a primary association with the documented presence of non-salmonid or salmonid species ~~(see subsection L1 of this Section and RMC 4-3-090, Shoreline Master Program Regulations, for salmonid species) species~~ proposed or listed by the Federal government or State of Washington as endangered, threatened, sensitive and/or of local importance~~.~~, or areas designated as Natural or Urban Conservancy Overlays in RMC 4-3-090 Shoreline Master Program Regulations.

b. Mapping: Critical habitats are identified by lists, categories and definitions of species promulgated by the Washington State Department of Fish and Wildlife (Non-game Data System Special Animal Species) as identified in WAC 232-12-011; in the Priority Habitat and Species Program of the Washington State Department of Fish and Wildlife; or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service.

c. Buffers: The Administrator shall require the establishment of buffer areas for activities in, or adjacent

to, habitat conservation areas when needed to protect fish and wildlife habitats of importance. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions and values of the affected habitat. Buffer widths shall be based on:

i. Type and intensity of human activity proposed to be conducted on the site and adjacent sites.

ii. Recommendations contained within a habitat assessment report.

iii. Management recommendations issued by the Washington Department of Fish and Wildlife.

d. Alterations Require Mitigation: The Administrator may approve mitigation to compensate for adverse impacts of a development proposal to habitat conservation areas through use of a federally and/or state certified mitigation bank or in-lieu fee program. See subsection L of this Section.

4-3-090 Shoreline Master Program Regulations

A. PROGRAM ELEMENTS:

The Renton Shoreline Master Program consists of the following elements:

1. The Shoreline Management Element of the Renton Comprehensive Plan.

2. This Section, RMC 4-3-090, Shoreline Master Program Regulations, which is subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090.

3. Chapter 4-11 RMC, Definitions, which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to this Section or are defined by RCW 90.58.030.

4. RMC 4-9-190, Shoreline Permits, which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of chapter 90.58 RCW.

5. RMC 4-10-095, Shoreline Nonconforming Uses, Activities, Structures, and Sites, which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of chapter 90.58 RCW.

6. The Shoreline Restoration Element of the Shoreline Master Program, of which one printed copy in book form has heretofore been filed and is now on file in the office of the City Clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the City and other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

7. The Shoreline Environment Overlay Map, of which one printed copy has heretofore been filed and is on file in the office of the City Clerk and made available for examination by the general public, and another printed copy of which is available at the Department of Community and Economic Development. An electronic copy may also be posted online at the City's website www.rentonwa.gov.

B. REGULATED SHORELINES:

The Renton Shoreline Master Program applies to Shorelines of the State, which include Shorelines of Statewide Significance and shorelines as defined in chapter 4-11 RMC and as listed below.

1. Shorelines of Statewide Significance:

a. Lake Washington;

b. Green River (the area within the OHWM of the Green River is not within the Renton City Limits, but portions of the two hundred foot (200') shoreline jurisdiction are within City limits).

2. Shorelines:

a. Cedar River;

b. May Creek from the intersection of May Creek and NE 31st Street in the southeast quarter of the southeast quarter of Section 32-24-5E WM;

c. Black River;

d. Springbrook Creek from the Black River on the north to SW 43rd Street on the south;

e. Lake Desire (in the City's potential annexation area at the time of adoption of the Shoreline Master Program).

3. The Jurisdictional Area Includes:

a. Lands within two hundred feet (200'), as measured on a horizontal plane, from the OHWM, or lands within two hundred feet (200') from floodways, whichever is greater;

~~b. Contiguous floodplain areas; and~~

~~c~~b. All marshes, bogs, swamps, and river deltas associated with streams, lakes, and tidal waters that are subject to the provisions of the State Shoreline Management Act.

C. SHORELINES OVERLAY DISTRICTS:

1. Natural Environment Overlay District:

a. Designation of the Natural Environment Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see subsection A6 of this Section, and shall include that portion of the north bank of the Black River lying west of its confluence with Springbrook Creek.

c. Acceptable Activities and Uses: As listed in subsection E of this Section, Use Regulations.

2. Urban Conservancy Overlay District:

a. Designation of the Shoreline Urban Conservancy Environment Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see subsection A6 of this Section, and shall include:

- That portion of the Lake Washington shoreline within Gene Coulon Park extending from one hundred feet (100') north of the northerly end of the northernmost driveway to the northerly end of the park.
- May Creek east of Lake Washington, including the open space area within the Barbee Mill site.
- That portion of the south bank of the Cedar River extending from three hundred fifty feet (350') east of I-405 right-of-way to SR 169.
- The Cedar River, extending from SR 169 to the easterly limit of the Urban Growth Area.
- That portion of Springbrook Creek beginning from approximately SW 27th Street on the north to SW 31st Street on the south, abutting City-owned wetlands in this area, and for that portion of the west side of the creek in the vicinity of SW 38th Street abutting the City's Wetlands Mitigation Bank shall be designated conservancy.
- Per WAC 176-26-211(2)(e) all areas within shoreline jurisdiction that are not designated within the Shoreline Master Program are automatically assigned to be in the Urban Conservancy Overlay District until the shoreline can be redesignated through a Shoreline Master Program amendment approved by the Washington State Department of Ecology.

c. Acceptable Activities and Uses: As listed in subsection E of this Section, Use Regulations.

3. Single Family Residential Overlay District:

a. Designation of the Single Family Residential Overlay: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see subsection A6 of this Section, and shall include those shoreline areas with residential zoning and use located on Lake Washington, the Cedar River, May Creek, and Lake Desire. Publicly owned park and open space areas with residential zoning shall be excluded.

c. Acceptable Activities and Uses: As listed in subsection E of this Section, Use Regulations.

4. Shoreline High Intensity Overlay District:

a. Designation of the High Intensity Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see subsection A6 of this Section, and shall include:

- The Commercial/Office/ Residential (COR) ~~zoning designation generally~~zoned properties north of May Creek, including the Quendall Site and Seahawks Headquarters site.
- The southerly portion of Gene Coulon Park, generally south of and including the over-water walkway, concession areas, parking areas, boat launch areas, and the swimming beach.
- The Urban Center (UC), and Industrial-Heavy zoned (IH) areas along the south shoreline of Lake Washington, the Municipal Airport, and adjacent COR designated areas.
- The Cedar River from the mouth to I-405.
- The north side of the Cedar River east of I-405 within areas of COR zoning designation.
- Areas of Springbrook Creek not in Natural or Urban Conservancy overlays.

c. Acceptable Activities and Uses: Subject to subsection E of this Section, Use Regulations, which allows land uses in chapter 4-2 RMC in this overlay district, subject to the preference for water-dependent and water-oriented uses. Uses adjacent to the water's edge and within buffer areas are reserved for water-oriented development, public/community access, and/or ecological restoration. (Ord. 5759, 6-22-2015)

5. Shoreline High Intensity – Isolated Lands – Overlay District:

a. Designation of the High Intensity – Isolated Lands – Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see subsection A6 of this Section, and shall include:

i. Areas within shoreline jurisdiction of the Green River but isolated by the intervening railroad right-of-way.

ii. Areas immediately north of the Cedar River (right bank) and north of Riverside Drive between Williams Avenue South and Bronson Way North.

c. *Acceptable Activities and Uses:* Allowed uses are detailed in subsection E1 of this Section, Shoreline Use Table. The shoreline regulations that apply within this overlay are the land use regulations of Title IV, Development Regulations, of the Renton Municipal Code, subject to the permit and procedural requirements of the Shoreline Master Program. In most cases, the performance standards in this Section do not apply to development or uses in this overlay.

6. Aquatic Shoreline Overlay District:

a. *Designation of the Aquatic Overlay District:* The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. *Application:* The Aquatic Overlay District is defined as the area waterward of the OHWM of all streams and rivers, all marine water bodies, and all lakes, constituting shorelines of the State together with their underlying lands and their water column; but do not include associated wetlands and other shorelands shoreward of the OHWM. This designation is not found on the Shoreline Environment Map, but shall be assigned based on the description above.

c. *Acceptable Activities and Uses:* Subject to subsection E of this Section, Use Regulations, water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Overlay, subject to provision of shoreline ecological enhancement and public access.

D. GENERAL DEVELOPMENT STANDARDS:

1. Applicability: This Section shall apply to all use and development activities within the shoreline. Items included here will not necessarily be repeated in subsection E of this Section, Use Regulations, and shall be used in the evaluation of all shoreline permits.

Renton Municipal Code provisions in Title IV, Development Regulations, Chapter 4, City-wide Property Development Standards (chapter 4-4 RMC) contain regulations and standards governing site development of property City-wide, such as parking, landscaping, fencing, tree retention , and others. Such provisions shall apply within shoreline jurisdictions unless there is a conflict with the standards set forth by the Shoreline Master Program. In case of conflict, the standards set forth in the Shoreline Master Program shall prevail.

2. Environmental Effects:

a. *No Net Loss of Ecological Functions:*

i. No Net Loss Required: Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts to ensure no net loss of ecological functions and processes in all development and use. Permitted uses are designed and conducted to minimize,

in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

ii. Impact Evaluation Required: In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts shall be considered and mitigated on- or off-site.

iii. Evaluation of Mitigation Sequencing Required: An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

(a) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.

(b) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.

(c) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and taking appropriate corrective measures.

b. Burden on Applicant: Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Shoreline Management Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

c. Critical Areas within Shoreline Jurisdiction:

i. Applicable Critical Area Regulations: ~~The following critical~~Critical areas shall be regulated in accordance with the provisions of RMC 4-3-050, Critical Area Regulations, adopted by Ordinance 5757 on June 1, 2015 and updated with the Shoreline Master Program Periodic Update Ordinance XX on XX, XX, 2019. ~~reference~~ except for the provisions ~~excluded~~ in subsection D2cii of this Section. Said provisions shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the provision adopted by reference and the Shoreline Master Program. Within shoreline jurisdiction, the regulations of RMC 4-3-050 shall be liberally construed together with the Shoreline Master Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions below and the Shoreline Master Program, the most restrictive provisions shall prevail.

ii. The following provisions of the Critical Areas Regulations in RMC 4-3-050 are modified within shoreline jurisdiction:

(a) RMC 4-3-050G.1 is not adopted within shoreline jurisdiction. Uses and developments within shoreline jurisdiction, including proposals with critical areas, are subject to the standard of no net loss of ecological functions and processes.

(b) Within shoreline jurisdiction, variances to critical areas regulations shall be processed through a shoreline variance in RMC 4-9-190I.

~~(a) Aquifer protection areas.~~

~~(b) Areas of special flood hazard.~~

~~(c) Sensitive slopes, twenty five percent (25%) to forty percent (40%), and protected slopes, forty percent (40%) or greater.~~

~~(d) Landslide hazard areas.~~

~~(e) High erosion hazards.~~

~~(f) High seismic hazards.~~

~~(g) Coal mine hazards.~~

~~(h) Fish and wildlife habitat conservation areas: Critical habitats.~~

~~(i) Fish and wildlife habitat conservation areas: Streams and Lakes: Classes 2 through 5 only.~~

~~ii. Inapplicable Critical Area Regulations: The following provisions of RMC 4-3-050, Critical Area Regulations, shall not apply within shoreline jurisdiction:~~

~~(a) RMC 4-3-050N, Alternates, Modifications and Variances, subsections N1, Alternates, and N3, Variances, and~~

~~(b) RMC 4-9-250, Variances, Waivers, Modifications and Alternatives.~~

~~(c) Wetlands, including shoreline associated wetlands, unless specified below.~~

~~iii. Critical Area Regulations for Class 1 Fish Habitat Conservation Areas: Environments designated as Natural or Urban Conservancy shall be considered Class 1 Fish Habitat Conservation Areas. Regulations for fish habitat conservation areas Class 1 Streams and Lakes are contained within the development standards and use standards of the Shoreline Master Program, including but not limited to subsection F1 of this Section, Vegetation Conservation, which establishes vegetated buffers adjacent to water bodies and specific provisions for use and for shoreline modification in subsections E and F of this Section. There shall be no modification of the required setback and buffer for non-water-dependent uses in Class 1 Fish Habitat Conservation areas without an approved Shoreline Conditional Use Permit.~~

~~iv. Alternate Mitigation Approaches: To provide for flexibility in the administration of the ecological protection provisions of the Shoreline Master Program, alternative mitigation approaches may be applied for as provided in RMC 4-3-050N2, Modifications. Modifications within shoreline jurisdiction may be approved for those critical areas regulated by that Section as a Shoreline Conditional Use Permit where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of the Shoreline Master Program and are scientifically supported by specific studies performed by qualified professionals.~~

~~*d. Wetlands within Shoreline Jurisdiction:*~~

~~i. Wetland Identification: Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175 and 90.58.380. Unless otherwise provided for in this Chapter, all areas within the City meeting the criteria in the Washington State Wetland Identification and~~

~~Delineation Manual (Ecology Publication No. 96-94), regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Chapter.~~

~~ii. Wetland Rating System: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington, revised August 2004 (Ecology Publication No. 04-06-025). These categories are generally defined as follows:~~

~~(a) Category I Wetlands: Category I wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and stormwater, and/or providing habitat for wildlife as indicated by a rating system score of seventy (70) points or more. These are wetland communities of infrequent occurrence that often provide documented habitat for critical, threatened or endangered species, and/or have other attributes that are very difficult or impossible to replace if altered.~~

~~(b) Category II Wetlands: Category II wetlands have significant value based on their function as indicated by a rating system score of between fifty one (51) and sixty nine (69) points. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.~~

~~(c) Category III Wetlands: Category III wetlands have important resource value as indicated by a rating system score of between thirty (30) and fifty (50) points.~~

~~(d) Category IV Wetlands: Category IV wetlands are wetlands of limited resource value as indicated by a rating system score of less than thirty (30) points. They typically have vegetation of similar age and class, lack special habitat features, and/or are isolated or disconnected from other aquatic systems or high quality upland habitats.~~

~~iii. Wetland Review and Reporting Requirements: A wetland assessment study shall be required.~~

~~iv. Wetland Buffers:~~

~~(a) Buffer Required: Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a~~

~~permanent road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided and that cannot be feasibly removed, relocated or restored to provide buffer functions.~~

~~(b) Buffer May Be Increased: The buffer standards required by this Chapter presume the existence of a dense vegetation community in the buffer adequate to protect the wetland functions and values. When a buffer lacks adequate vegetation, the Administrator of the Department of Community and Economic Development or designee may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.~~

~~(c) Minimum Buffer Width:~~

~~Wetland Category~~	~~Low Wildlife Function (less than 20 points)~~	~~Moderate Wildlife Function (20 – 28 points)~~	~~High Wildlife Function (29 or more points)~~
	~~Buffer Width (feet)~~		
~~Category IV~~	~~50~~	~~50~~	~~50~~ [1]
~~Category III~~	~~75~~	~~125~~	~~150~~ [1]
~~Category II~~	~~100~~	~~150~~	~~225~~
~~Category I~~	~~125~~	~~150~~	~~225~~

~~1. Habitat scores over 26 points would be very rare for Category III wetlands and almost impossible for Category IV wetlands that have a total rating of 30 or less.~~

~~(d) Buffer Requirements for Wetland Mitigation Banks: Where wetland mitigation sites or wetland banks have been approved, required buffers shall be as specified in the mitigation site or wetland bank approval.~~

~~(e) Increased Buffer for Steep Slopes: Where lands within the wetland buffer have an average continuous slope of twenty percent (20%) to thirty five percent (35%), and the required buffer width is less than one hundred feet (100'), the buffer shall extend to a thirty percent (30%) greater dimension. In all cases, where slopes within the buffers exceed thirty five percent (35%), the buffer shall extend twenty five feet (25') beyond the top of the bank of the sloping area or to the end of the buffer associated with a geological hazard if one is present, whichever is greater.~~

~~v. Provisions for Small Isolated Wetlands: All wetlands shall be regulated regardless of size; provided, that the Administrator of the Department of Community and Economic Development or designee shall assure that preservation of isolated wetlands and associated buffers of less~~

~~than ten thousand (10,000) square feet of combined wetland and buffer shall maintain effective wetland functions, or be mitigated as provided below.~~

~~(a) Wetlands and associated buffers of one thousand (1,000) square feet or less may be displaced when the wetland meets all of the following criteria, as documented in a wetland mitigation plan:~~

~~(1) The wetland is not associated with a riparian corridor;~~

~~(2) The wetland is not part of a wetland mosaic, or collection of small wetlands that are hydrologically related to one another;~~

~~(3) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife;~~

~~(4) Impacts of displaced wetlands are mitigated pursuant to subsection D2dx of this Section.~~

~~(b) Category III and IV wetlands and buffers between one thousand (1,000) and four thousand (4,000) square feet may be displaced; provided, that all of the following criteria are documented in a wetland mitigation plan:~~

~~(1) The wetland does not score twenty (20) points or greater for habitat in the 2004 Western Washington Rating System;~~

~~(2) The wetland is depressional and is recharged only by precipitation, interflow or groundwater and adjacent development cannot assure a source of recharge to maintain its hydrologic character through stormwater infiltration, or other means;~~

~~(3) The wetlands does not have a potential to reduce flooding or erosion or has the potential to maintain or improve water quality as evidenced by a score of at least ten (10) points on the applicable criteria of the Wetland Rating Form for Western Washington;~~

~~(4) The total area of the combined wetland and buffer is ten thousand (10,000) square feet or less and:~~

~~(A) It does not achieve a score of at least twenty (20) points on the Habitat Functions criteria of the Wetland Rating Form for Western Washington; and~~

~~(B) The wetland and buffer is not connected to a larger open space complex which may include, but is not limited to, a stream buffer, a buffer associated with a geological~~

~~hazard, or other designated open space buffer sufficient to allow movement of terrestrial wildlife to and from the wetland and buffer complex without interruption by roads, paved areas or buildings within fifty feet (50');~~

~~(5) Impacts of displaced wetlands are mitigated pursuant to subsection D2dx of this Section.~~

~~vi. Wetland Buffer Averaging: The Administrator of the Department of Community and Economic Development or designee may average wetland buffer widths on a case-by-case basis when the applicant demonstrates through a wetland study to the satisfaction of the Administrator of the Department of Community and Economic Development or designee that all the following criteria are met:~~

~~(a) The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area;~~

~~(b) The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion;~~

~~(c) The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;~~

~~(d) The buffer at its narrowest point is never less than three quarters (3/4) of the required width.~~

~~vii. Reasonable Use: Wetland buffer averaging to allow reasonable use of a parcel may be permitted when all of the following are met:~~

~~(a) There are no feasible alternatives to the site design that could be accomplished without buffer averaging;~~

~~(b) The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a wetland assessment study;~~

~~(c) The total buffer area after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;~~

~~(d) The buffer at its narrowest point is never less than three quarters (3/4) of the required width except where the Administrator of the Department of Community and Economic Development or designee finds that there is an existing feature such as a roadway that limits buffer dimension, or an essential element of a proposed development such as access that must be accommodated for reasonable use and requires a smaller buffer.~~

~~viii. Wetland Buffer Increase Allowed: The Administrator of the Department of Community and Economic Development or designee may increase the width of the standard buffer width on a case-by-case basis, based on a critical area study, when a larger buffer is required to protect critical habitats as outlined in RMC 4-3-050K, or such increase is necessary to:~~

~~(a) Protect the function and value of that wetland from proximity impacts of adjacent land use, including noise, light and other disturbance, not sufficiently limited by buffers provided above;~~

~~(b) To maintain viable populations of priority species of fish and wildlife; or~~

~~(c) Protect wetlands or other critical areas from landslides, erosion or other hazards.~~

~~ix. Allowed activities in wetlands and buffers: The following uses and activities may be allowed in wetlands or buffer areas by the Administrator of the Department of Community and Economic Development or designee subject to the priorities, protection, and mitigation requirements of this Section:~~

~~(a) Utilities: Utility lines and facilities providing local delivery service, not including facilities such as electrical substations, water and sewage pumping stations, water storage tanks, petroleum products pipelines and not including transformers or other facilities containing hazardous substances, may be located in Category I, II, III, and IV wetlands and their buffers and/or Category I wetland buffers if the following criteria are met:~~

~~(1) There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland;~~

~~(2) The utility line is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation;~~

~~(3) Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line, which may include boring, and the area is restored following utility installation;~~

~~(4) Buried utility lines shall be constructed in a manner that prevents adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology;~~

~~(5) Impacts on wetland functions are mitigated in accordance with subsection D2dx of this Section.~~

~~(b) Roadways, Railways, and Bridges: Public and private roadways and railroad facilities, including bridge construction and culvert installation, if the following criteria are met:~~

~~(1) There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland;~~

~~(2) Facilities parallel to the wetland edge are located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation;~~

~~(3) Clearing, grading, and excavation activities are limited to the minimum necessary, which may include placement on elevated structures as an alternative to fill, where feasible;~~

~~(4) Impacts on wetland functions are mitigated in accordance with subsection D2dx of this Section.~~

~~(c) Access to Private Development Sites: Access to private development sites may be permitted to cross Category II, III, or IV wetlands or their buffers, pursuant to the criteria in subsection D2ix(b) of this Section, provided, that alternative access shall be pursued to the maximum extent feasible, including through the provisions of chapter 8.24 RCW. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts may be specified, including placement on elevated structures as an alternative to fill, if feasible.~~

~~(d) Existing Facilities: Maintenance, repair, or operation of existing structures, facilities, or improved areas, including minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions, and subject to the provisions for nonconforming use and facilities in chapter 4-10 RMC.~~

~~(e) Stormwater Facilities: Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a Category I, II, III, or IV wetland buffer on a case-by-case basis if the following are met:~~

~~(1) Due to topographic or other physical constraints, there are no feasible locations for these facilities to discharge to surface water through existing systems or outside the buffer. Locations and designs that infiltrate water shall be preferred over a design that crosses the buffer;~~

~~(2) The discharge is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation and avoids long-term rill or channel erosion.~~

~~(f) Recreational or Educational Activities: Outdoor recreational or educational activities which do not significantly affect the function of the wetland or regulated buffer (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted within Category II, III, or IV wetlands or their buffers and within a Category I wetland buffer if the following criteria are met:~~

~~(1) Trails shall not exceed four feet (4') in width and shall be surfaced with gravel or pervious material, including boardwalks;~~

~~(2) The trail or facility is located in the outer fifty percent (50%) of the buffer area unless a location closer to the wetland edge or within the wetland is required for interpretive purposes;~~

~~(3) The trail or facility is constructed and maintained in a manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill;~~

~~(4) Wetland mitigation in accordance with subsection D2dx of this Section.~~

~~x. Wetland Mitigation Requirements: Activities that adversely affect wetlands and/or wetland buffers shall include mitigation sufficient to achieve no net loss of wetland function and values in accordance with subsection D7 of this Section and this subsection. Compensatory mitigation shall be provided for all wetland alteration and shall re-establish, create, rehabilitate, enhance, and/or preserve equivalent wetland functions and values.~~

~~(a) Preferred Mitigation Sequence: Mitigation sequencing shall take place in the prioritized order provided for in subsection D2aiii of this Section.~~

~~(b) Consistency with Policies and Publications Required: Wetland mitigation requirements shall be consistent with the applicable standards for studies and assessment in Chapter 6 of: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006; Wetland~~

~~Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1); and Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA, except in cases when this Code provides differing standards.~~

~~(c) Wetland alterations: Compensation for wetland alterations shall occur in the following order of preference:~~

~~(1) Re-establishing wetlands on upland sites that were formerly wetlands.~~

~~(2) Rehabilitating wetlands for the purposes of repairing or restoring natural and/or historic functions.~~

~~(3) Creating wetlands on disturbed upland sites such as those consisting primarily of nonnative, invasive plant species.~~

~~(4) Enhancing significantly degraded wetlands.~~

~~(5) Preserving Category I or II wetlands that are under imminent threat; provided, that preservation shall only be allowed in combination with other forms of mitigation and when the Administrator of the Department of Community and Economic Development or designee determines that the overall mitigation package fully replaces the functions and values lost due to development.~~

~~(d) Mitigation Ratios for Wetland Impacts: Compensatory mitigation for wetland alterations shall be based on the wetland category and the type of mitigation activity proposed. The replacement ratio shall be determined according to the ratios provided in the table below. The created, re-established, rehabilitated, or enhanced wetland area shall at a minimum provide a level of function equivalent to the wetland being altered and shall be located in an appropriate landscape setting.~~

-	~~**Wetland Mitigation Type and Replacement Ratio***~~			
~~**Wetland Category**~~	~~**Creation**~~	~~**Re-establishment**~~	~~**Rehabilitation**~~	~~**Enhancement Only**~~
~~Category IV~~	~~1.5:1~~	~~1.5:1~~	~~2:1~~	~~3:1~~
~~Category III~~	~~2:1~~	~~2:1~~	~~3:1~~	~~4:1~~
~~Category II~~	~~3:1~~	~~3:1~~	~~4:1~~	~~6:1~~
~~Category I~~	~~6:1~~	~~6:1~~	~~8:1~~	~~Not allowed~~

~~*Ratio is the replacement area: impact area.~~

~~(e) Mitigation Ratio for Wetland Buffer Impacts: Compensation for wetland buffer impacts shall occur at a minimum 1:1 ratio. Compensatory mitigation for buffer impacts shall include enhancement of degraded buffers by planting native species, removing structures and impervious surfaces within buffers, and other measures.~~

~~(f) Special Requirements for Mitigation Banks: Mitigation banks shall not be subject to the replacement ratios outlined in the replacement ratio table above, but shall be determined as part of the mitigation banking agreement and certification process.~~

~~(g) Buffer Requirements for Replacement Wetlands: Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category in subsection D2dii of this Section; provided, that the Administrator of the Department of Community and Economic Development or designee shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.~~

~~(h) Adjustment of Ratios: The Administrator of the Department of Community and Economic Development or designee shall have the authority to adjust these ratios when a combination of mitigation approaches is proposed. In such cases, the area of altered wetland shall be replaced at a 1:1 ratio through re-establishment or creation, and the remainder of the area needed to meet the ratio can be replaced by enhancement at a 2:1 ratio. For example, impacts to one acre of a Category II wetland requiring a 3:1 ratio for creation can be compensated by creating one acre and enhancing four (4) acres (instead of the additional two (2) acres of creation that would otherwise be required).~~

~~(i) Location: Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success; provided, that mitigation occurs as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration.~~

~~(j) Protection: All mitigation areas whether on- or off-site shall be permanently protected and managed to prevent degradation and ensure protection of critical area functions and values into perpetuity. Permanent protection shall be achieved through deed restriction or other protective covenant in accordance with RMC 4-3-050E4.~~

~~(k) Timing: Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.~~

~~(l) Wetland Mitigation Plans Required: Wetland mitigation plans shall be prepared in accordance with RMC 4-3-050M16. All compensatory mitigation projects shall be monitored for a period necessary to establish that performance standards have been met, but generally not for a period less than five (5) years. Reports shall be submitted quarterly for the first year and annually for the next five (5) years following construction and subsequent reporting shall be required if applicable to document milestones, successes, problems, and contingency actions of the compensatory mitigation. The Administrator of the Department of Community and Economic Development or designee shall have the authority to modify or extend the monitoring period and require additional monitoring reports for up to ten (10) years when any of the following conditions apply:~~

~~(1) The project does not meet the performance standards identified in the mitigation plan;~~

~~(2) The project does not provide adequate replacement for the functions and values of the impacted critical area;~~

~~(3) The project involves establishment of forested plant communities, which require longer time for establishment.~~

~~xi. Development Standards Near Wetlands: Development standards for adjacent development shall minimize adverse effects on the wetland, and shall include:~~

~~(a) Subdivision of land shall assure that each lot has sufficient building area outside wetlands and buffers. Lots in subdivisions shall be oriented whenever feasible to provide a rear yard of at least twenty feet (20') between the buffer area and buildings;~~

~~(b) Fencing shall be provided at the perimeter of residential development to limit domestic animal entry into wetlands and buffer areas;~~

~~(c) Activities that generate noise shall be located as far from the wetland and buffer as feasible. Roads, driveways, parking lots and loading areas, mechanical or ventilating equipment shall be located on sides of buildings away from the wetland, or separated by noise attenuating walls;~~

~~(d) Light penetration into buffer areas and wetlands shall be limited by locating areas requiring exterior lighting away from the wetland boundary, or limiting light mounting heights to a maximum of four feet (4'). Windows that will be lit at night should be minimized on the side of buildings facing wetlands and buffers, or screened as provided below;~~

~~(e) Runoff should be routed to infiltration systems, to the maximum extent feasible, to provide groundwater interflow recharge to wetlands and/or water bodies and to limit overland flow and erosion;~~

~~(f) Surface or piped stormwater should be routed to existing conveyances or to other areas, wherever hydraulic gradients allow. Where stormwater is routed to wetlands, system design shall assure that erosion and sedimentation will be avoided to the maximum extent feasible;~~

~~(g) To prevent channelized flow from lawns and other landscaped areas from entering the buffer, and to prevent washing of fertilizers, herbicides and pesticides into the buffer, if slopes adjacent to the buffer exceed fifteen percent (15%), a ten feet (10') wide swale to intercept runoff or other effective interception facility approved by the Administrator of the Department of Community and Economic Development or designee shall be provided at the edge of the buffer;~~

~~(h) Adopt and implement an integrated pest management system including limiting use of fertilizers, herbicides and pesticides within twenty five feet (25') of the buffer.~~

~~xii. Vegetation Management Plan Required. In order to maintain effective buffer conditions and functions, a vegetation management plan shall be required for all buffer areas, to include:~~

~~(a) Maintaining adequate cover of native vegetation including trees and understory; if existing tree cover is less than a density of twenty (20) trees per acre, planting shall be required consisting of seedlings at a density of three hundred (300) stems per acre or the equivalent;~~

~~(b) Providing a dense screen of native evergreen trees at the perimeter of the buffer if existing vegetation is not sufficient to prevent viewing adjacent development from within the buffer. Planting shall be required equivalent to two (2) rows of three feet (3') high stock of native evergreens at a triangular spacing of fifteen feet (15'), or three (3) rows of gallon containers at a triangular spacing of eight feet (8'). Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen;~~

~~(c) Providing a plan for control of invasive weeds, and removal of existing invasive species;~~

~~(d) Providing for a monitoring and maintenance plan for a period of at least five (5) years, except this provision may be waived for single family residential lots at the discretion of the Administrator of the Department of Community and Economic Development or designee.~~

d. Reserved.- . Development Standards for Aquatic Habitat:

i. Stormwater Requirements: Development shall provide stormwater management facilities including water quality treatment designed, constructed, and maintained in accordance with the current stormwater management standards. Water quality treatment facilities shall be provided for moderate alteration of nonconforming structures, uses and sites as provided for in RMC 4-10-095.

ii. Erosion and Sediment Control Requirements: Best management practices for control of erosion and sedimentation shall be implemented for all development in shorelines through approved temporary erosion and sediment control plan, or administrative conditions.

iii. Lighting Requirements: Nighttime lighting shall be designed to avoid or minimize interference with aquatic life cycles through avoidance of light sources that shine directly onto the water. Exterior lighting fixtures shall include full cut off devices such that glare or direct illumination does not extend into water bodies. Lighting shall include timers or other switches to ensure that lights are extinguished when not in use.

3. Use Compatibility and Aesthetic Effects:

a. General: Shoreline use and development activities shall be designed and operated to allow the public's visual access to the water and shoreline and maintain shoreline scenic and aesthetic qualities that are derived from natural features, such as shoreforms and vegetative cover.

b. View Obstruction and Visual Quality: The following standards and criteria shall apply to developments and uses within the jurisdiction of the Shoreline Master Program:

i. View Corridors Required: Where commercial, industrial, multiple use, multi-family and/or multi-lot developments are proposed, primary structures shall provide for view corridors between buildings where views of the shoreline are available from public right-of-way or trails.

ii. Maximum Building Height: Buildings shall be limited ~~to a~~in height ~~of no more than thirty five feet (35') above average finished grade level except at specific locations~~ as specified in Table 4-3-090D7a, Shoreline Bulk Standards.

iii. Minimum Setbacks for Commercial Development Adjacent to Residential or Park Uses: All new or expanded commercial development adjacent to residential use and public parks shall provide fifteen feet (15') setbacks from adjacent properties to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

iv. Lighting Requirements: Display and other exterior lighting shall be designed and operated so as to prevent glare, to avoid illuminating nearby properties used for noncommercial purposes, and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on the height of light structure, limits on light levels of fixtures, light shields, and screening.

v. Reflected Lights to Be Limited: Building surfaces on or adjacent to the water shall employ materials that limit reflected light.

vi. Integration and Screening of Mechanical Equipment: Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent feasible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.

vii. Visual Prominence of Freestanding Structures to Be Minimized: Facilities not incorporated into buildings including fences, piers, poles, wires, lights, and other freestanding structures shall be designed to minimize visual prominence.

viii. Maximum Stair and Walkway Width: Stairs and walkways located within shoreline vegetated buffers shall not exceed four feet (4') in width; provided, that where ADA requirements apply, such facilities may be increased to six feet (6') in width. Stairways shall conform to the existing topography to the extent feasible.

ix. Other Design Standards: Any other design standards included in community plans or regulations adopted by the City shall be incorporated.

c. Community Disturbances: Noise, odors, night lighting, water and land traffic, and other structures and activities shall be considered in the design plans and their impacts avoided or mitigated.

d. Design Requirements: Architectural styles, exterior designs, landscaping patterns, and other aspects of the overall design of a site shall be in conformance with urban design and other standards contained in RMC 4-3-100, Urban Design Regulations, and other applicable provisions

of RMC Title IV, Development Regulations, as well as specific policies and standards of the Shoreline Master Program.

e. *Screening Required:* The standards in RMC 4-4-095 concerning screening of mechanical equipment and outdoor service and storage areas shall apply within shorelines with the additional criteria that the provisions for bringing structures or sites into conformance shall occur for minor alteration or renovation as provided in RMC 4-9-190.

4. Public Access:

a. *Physical or Visual Access Required for New Development:* Physical or visual access to shorelines shall be incorporated in all new development when the development would either generate a demand for one or more forms of such access, would impair existing legal access opportunities or rights, or is required to meet the specific policies and regulations of the Shoreline Master Program. A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Policy SH-31 Table of Public Access Objectives by Reach Element, Policy SH-31 with provisions for public access, including off-site facilities designated in the table Public Access Requirements by Reach in subsection D4f of this Section.

b. *Public Access Required:* Public access shall be provided for the following development, subject to the criteria in subsection D4d of this Section.

i. Water-dependent uses and developments that increase public use of the shorelines and public aquatic lands, or that would impair existing legal access opportunities, or that utilize public harbor lands or aquatic lands, or that are developed with public funding or other public resources.

ii. Non-water-dependent development and uses shall provide community and/or public access consistent with the specific use standards in subsection E of this Section, Use Regulations, unless ecological restoration is provided.

iii. Developments of more than ten (10) single family residential lots or single family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide public access. Developments of more than four (4) but less than ten (10) single family residential lots or single family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide community access.

iv. Development of any non-single-family residential development or use consistent with the specific use standards in subsection E9 of this Section, Residential Development.

v. Any use of public aquatic lands, except as related to single family residential use of the shoreline, including docks accessory to single family residential use.

vi. Publicly financed or subsidized flood control or shoreline stabilization shall not restrict public access to the shoreline and shall include provisions for new public access to the maximum extent feasible.

vii. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished by any public or private development or use (RCW 35.79.035 and RCW 36.87.130).

c. Criteria for Modification of Public Access Requirements: The requirements for public access may be modified as a shoreline conditional use for any application in which the following criteria are demonstrated to be met in addition to the general criteria for a Shoreline Conditional Use Permit. In cases where a Substantial Development Permit is not required, use of this waiver or modification may take place only through a shoreline variance. It is the responsibility of the applicant to demonstrate that the criteria are met. As a condition of modification of access requirements, contribution to an off-site public access site shall be required.

i. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.

ii. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.

iii. The cost of providing the access, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term development and operational cost over the life-span of the proposed development.

iv. Significant environmental impacts will result from the public access that cannot be mitigated.

v. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

vi. Prior to determining that public access is not required, all reasonable alternatives must be pursued, including but not limited to:

(a) Regulating access by such means as maintaining a gate and/or limiting hours of use;

(b) Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

(c) Providing for specific facilities for public visual access, including viewing platforms that may be physically separated from the water's edge, but only if access adjacent to the water is precluded.

d. Design Criteria for Public Access Sites: Public access shall incorporate the following location and design criteria:

i. Walkways or Trails Required in Vegetated Open Space: Public access on sites where vegetated open space is provided along the shoreline shall consist of a public pedestrian walkway parallel to the OHWM of the property. The walkway shall be buffered from sensitive ecological features, may be set back from the water's edge, and may provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing may be provided to control damage to plants and other sensitive ecological features and where appropriate. Trails shall be constructed of permeable materials and limited to four feet (4') to six feet (6') in width to reduce impacts to ecologically sensitive resources.

ii. Access Requirements for Sites Without Vegetated Open Space: Public access on sites or portions of sites not including vegetated open space shall be not less than ten percent (10%) of the developed area within shoreline jurisdiction or three thousand (3,000) square feet, whichever is greater, on developments including non-water-dependent uses. For water-dependent uses, the amount and location may be varied in accordance with the criteria in subsection F3 of this Section. Public access facilities shall extend along the entire water frontage, unless such facilities interfere with the functions of water-dependent uses. The minimum width of public access facilities shall be ten feet (10') and shall be constructed of materials consistent with the design of the development; provided, that facilities addressed in the Renton Bicycle and Trails Master Plan shall be developed in accordance with the standards of that plan.

iii. Access Requirements for Over-Water Structures: Public access on over-water structures on public aquatic lands, except for docks serving a single family residence, shall be provided and may include common use of walkway areas. Moorage facilities serving five (5) or more vessels shall provide a publicly accessible area of at least ten feet (10') at or near the end of the structure. Public marinas serving twenty (20) or more vessels may restrict access to specific moorage areas for security purposes as long as an area of at least ten percent (10%) of the over-water structure is available for public access and an area of at least twenty (20) square feet is provided at or near the end of the structure. Public access areas may be used in common by other users, but may not include adjacent moorage that obstructs public access to the edge of the water or obstructs views of the water.

iv. Resolution of Different Standards: Where City trail or transportation plans and development standards specify dimensions that differ from those in subsections D4di, D4dii, or D4diii of this Section, the standard that best serves public access, while recognizing constraints of protection and enhancement of ecological functions, shall prevail.

v. Access Requirements Determined by Reach: A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Management Element, Policy SH-31 Table of Public Access Objectives by Reach and in subsection D4f of this Section, Table of Public Access Requirements by Reach:

(a) The City shall utilize the reach policies for public access as guidance in applying these provisions to individual development sites.

(b) The City shall utilize the reach policies for public access as guidance in planning and implementing public projects.

vi. Fund for Off-Site Public Access: The City shall provide a fund for off-site public access and may assess charges to new development that do not meet all or part of their public access requirements. Such a fund and charges may be part of or coordinated with park impact fees. Off-site public access shall be developed in accordance with the reach policies for public access.

e. *Public Access Development Standards:* Public access facilities shall incorporate the following design and other features:

i. Relation to Other Facilities:

(a) Preferred Location: Public access shall be located adjacent to other public areas, accesses, and connecting trails, connected to the nearest public street, and include provisions for handicapped and physically impaired persons, where feasible.

(b) Parking Requirements: Where public access is within four hundred feet (400') of a public street, on-street public parking shall be provided, where feasible. For private developments required to provide more than twenty (20) parking spaces, public parking may be required in addition to the required parking for the development at a ratio of one space per one thousand (1,000) square feet of public access area up to three (3) spaces and at one space per five thousand (5,000) square feet of public access area for more than three (3) spaces. Parking for public access shall include the parking spaces nearest to the public access area and may include handicapped parking if the public access area is handicapped accessible.

(c) Planned Trails to Be Provided: Where public trails are indicated on the City's transportation, park, or other plans, construction of trails shall be provided within shoreline and non-shoreline areas of a site.

ii. Design:

(a) General: Design of public access shall provide the general public with opportunity to reach, touch, and enjoy the water's edge and to view the water and the shoreline from adjacent locations and shall be as close horizontally and vertically to the shoreline's edge as feasible; provided, that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.

(b) Privacy: Design shall minimize intrusions on privacy of adjacent use by avoiding locations adjacent to residential windows and/or outdoor private residential open spaces or by screening or other separation techniques.

iii. Use and Maintenance:

(a) Public Access Required for Occupancy: Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

(b) Maintenance of Public Access Required: Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

(c) Public Access Must Be Legally Recorded: Public access provisions on private land shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded prior to the time of building occupancy or plat recordation, whichever comes first.

(d) Maintenance Responsibility: Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or nonprofit agency through a formal recorded agreement.

(e) Hours of Access: Public access facilities shall be available to the public twenty four (24) hours per day unless an alternate arrangement is granted though the initial shoreline permitting process for the project. Changes in access hours proposed after initial permit approval shall be processed as a shoreline conditional use.

(f) Signage Required: The standard State-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites and at the nearest connection to an off-site public right-of-way.

f. Public Access Requirements by Reach: The following table identifies the performance standards for public access within the shoreline, and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.

SHORELINE REACH	Public Access
Lake Washington	
Lake Washington Reach A and B	Public access shall be provided when lots are subdivided or new nonresidential development occurs consistent with standards of this Section.
Lake Washington Reach C	The potential for provision of public access from new development will occur after cleanup of the Superfund site with multi-use development, which shall include shoreline access across the entire property, with controlled access to the water's edge, consistent with requirements for vegetation conservation and ecological restoration and provisions for water-dependent use, consistent with standards of this Section. Provision of public access from future redevelopment of the Seahawks and Barbee Mill site shall include a continuous public access trail parallel to the shoreline with controlled public access balanced with provisions for ecological restoration, as well as to shared or commercial docks, consistent with standards of this Section.
Lake Washington Reach D and E	Public access shall be provided when lots are subdivided or new nonresidential development occurs consistent with standards of this Section.
Lake Washington Reach F and G	Public access is one element of park functions that should be continued and incorporated in future plans and balanced with goals for recreation and improving ecologic functions.
Lake Washington Reach H	Public access should continue in the future as part of multi-use development of the balance of the property consistent with standards of this Section. Development should include supporting water-oriented uses and amenities such as seating and landscaping.
Lake Washington Reach I	Public access is currently not feasible on the three acres of upland State-owned aquatic lands managed by DNR. In the future, if the Boeing site is redeveloped, public access should be provided parallel to the shoreline along the entire property, consistent with standards of this Section, together with goals for ecological restoration and water-dependent and water-oriented use.
Lake Washington Reach J	Public access to the Lake Waterfront is provided from the lawn area of the Will Rogers, Wiley Post Memorial Sea Plane Base and should be maintained if such access is not in conflict with the aeronautical use of the property.
Lake Washington Reach K	If redevelopment of non-single-family use occurs, public access shall consist of a public pedestrian walkway parallel to the shoreline along the entire property frontage with controlled access to the water's edge, consistent with standards of this Section and requirements for vegetation conservation and ecological restoration. Public access shall be provided when lots are subdivided consistent with standards of this Section.

SHORELINE REACH	Public Access
May Creek	
May Creek A	If development occurs adjacent to the streamside, open space standards for vegetation conservation and public access shall be met consistent with standards of this Section.
May Creek B	At the time of redevelopment, public access should be provided consistent with standards of this Section from a trail parallel to the water along the entire property with controlled public access to the water consistent with standards of this Section, and goals of preservation and enhancement of ecological functions.
May Creek C and D	At the time of development of private lands, public access should be provided consistent with standards of this Section from a trail parallel to the water consistent with trails on public land. All trail development should be set back from the water's edge with controlled public access to the water and consistent with standards of this Section and goals of preservation and enhancement of ecological functions.
Cedar River	
Cedar River A	Public physical access from a trail parallel to the water should be provided if the Renton Municipal Airport redevelops in the future, balanced with goals of ecological restoration.
Cedar River B	Public access should generally be provided within the corridor of public lands adjacent to the river; however, adjacent private parcels not separated by public streets should provide active open space and other facilities to provide gathering places to enjoy the shoreline environment, together with water-oriented uses. Revisions to the existing trail to relocate further from the water's edge to allow revegetation should be considered in the future as part of public park and river maintenance plans.
Cedar River C	Public/community access along the waterfront should be provided as private lands on the north side of the river redevelop, considered along with the goal of restoration of ecological functions. Public or community access shall be provided when residential development occurs consistent with standards of the Shoreline Master Program.
Cedar River D	The primary goal for management of this reach should be ecological enhancement. Additional public access to the water's edge may be provided if consistent with ecological functions. Public access shall be provided when residential lots are subdivided consistent with standards of this Section.
Green River Reach A	Public physical access from a trail parallel to the water should be provided as private lands redevelop. Public agency actions to improve public access should include acquisition of trail rights to connect the trail system to the Green River Trail and Fort Dent Park. Expansion of public access in the Black River Riparian Forest should occur only if consistent with ecological functions.
Black River/Springbrook A	Public physical access from a trail parallel to the water should be provided as private lands redevelop. Expansion of public access in the Black River Riparian Forest should occur only if consistent with ecological functions. A trail system is present on the west side of the stream adjacent to the sewage treatment plant and should be retained and possibly enhanced to connect to the Lake to Sound Trail.
Springbrook B	Enhancement of the trail system on the WSDOT right-of-way that crosses under I-405 should be implemented as part of future highway improvements or other public agency actions.
Springbrook C	If future development occurs in this area, a continuous trail system connecting to the existing trail system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation.

SHORELINE REACH	Public Access
Lake Desire	
Lake Desire	If the existing boat launch area is altered in the future, public access other than boating facilities should include a viewing area. There is currently no formal public access to the water at the Natural Area at the south end of the lake or the County designated Natural Area at the north end of the lake. Interpretive access should be implemented consistent with standards of this Section and goals for preservation and restoration of ecological values. Public access shall be provided when lots are subdivided or new nonresidential development occurs consistent with standards of this Section.

5. Building and Development Location – Shoreline Orientation:

a. General: Shoreline developments shall locate the water-dependent, water-related, and water-enjoyment portions of their developments along the shoreline. Development and use shall be designed in a manner that directs land alteration ~~to~~away from the ~~least~~most sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.

b. Design and Performance Standards:

i. ~~Location of Development: Development and use shall be designed in a manner d that directs land alteration to the least sensitive portions of the site.~~ Reserved.

ii. Stream/Lake Study Required: An assessment of the existing ecological functions provided by topographic, physical, and vegetation characteristics of the site shall accompany development proposals~~; provided, that an individual single family residence on a parcel less than twenty thousand (20,000) square feet shall not be subject to this requirement.~~. Such assessments shall include the ~~following general~~ information~~:~~ required in RMC 4-8-120D.19 Stream or Lake Study.

~~(a) Impacts of the proposed use/development on ecological functions with clear designation of existing and proposed routes for water flow, wildlife movement, and other features.~~

~~(b) Infrastructure requirements such as parking, services, lighting and other features, together with the effects of those infrastructure improvements on shoreline ecological functions.~~

iii. Minimization of Site Alteration: Development shall minimize site alteration in sites with substantial unaltered natural features by applying the following criteria:

(a) Vehicle and pedestrian circulation systems shall be designed to limit clearing, grading, and alteration of topography and natural features.

(b) Impervious surfacing for parking lot/space areas shall be limited through the use of under-building parking or permeable surfaces where feasible.

(c) Utilities shall share roadway and driveway corridors and rights-of-way wherever feasible.

(d) Development shall be located and designed to avoid the need for structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses, particularly water-dependent uses, where no alternative locations are available and no net loss of ecological functions will result.

iv. Location for Accessory Development: Accessory development or use that does not require a shoreline location shall be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments or unless otherwise allowed in a High Intensity designation. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses unless a location closer to the water is reasonably necessary.

v. Navigation and Recreation to Be Preserved: Shoreline uses shall not deprive other uses of reasonable access to navigable waters. Existing water-related recreation shall be preserved.

6. Archaeological, Historical, and Cultural Resources:

a. Detailed Cultural Assessments May Be Required: The City will work with tribal, State, Federal, and other local governments as appropriate to identify significant local historical, cultural, and archaeological sites in observance of applicable State and Federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.

b. Coordination Encouraged: Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.

c. *Detailed Cultural Assessments Required:* Upon receipt of application for a development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups.

d. *Work to Stop Upon Discovery:* If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the Administrator~~ of the Department of Community and Economic Development or designee.~~. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The Administrator~~ of the Department of Community and Economic Development or designee~~ shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.

e. *Access for Educational Purposes Encouraged:* Land owners are encouraged to provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.

7. Standards for Density, Setbacks, and Height:

a. *Shoreline Bulk Standards:* This table establishes the minimum required dimensional requirements for development including all structures and substantial alteration of natural topography. Additional standards may be established in subsection E of this Section, Use Regulations, and subsection F of this Section, Shoreline Modification.

Table 4-3-090D7a – Shoreline Bulk Standards

	Natural	Urban Conservancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
Setbacks and Buffers						
Structure Setback ~~from Ordinary High Water Mark (OHWM) – Minimum~~[1][1]						
- - ~~Water-Dependent Use~~	~~100 ft.~~	~~100 ft.~~	~~None~~[2]	~~None~~[2]	~~None~~	-
- - ~~Water-Related or Water Enjoyment Use~~	~~100 ft.~~	~~100 ft.~~	~~100 ft.~~[3]	~~100 ft.~~[4]	~~None~~	-
- - ~~Non-Water-Oriented Use~~Building Setback, Landward of Vegetation Conservation Buffer	~~100~~0 ft. [5][5]	~~100~~0 ft. [5]	~~100~~0 ft. [3, 5, 7]	~~100~~0 ft. [3, 5, 7]	None	--
Front Yard, Side Yard, and Rear Yard Setbacks	Governed by underlying zoning in chapter 4-2 RMC except in cases where specific shoreline performance standards provide otherwise. Variance from the front and side yard standards may be granted administratively if needed to meet the established setback from OHWM, as specified in this Section and if standard variance criteria are met.					
Vegetation Conservation Buffer for Single-Family Residential Uses [1]	100 ft.	100 ft.	Varies based on lot depth. If the lot depth is: more than 170 ft. – 50 ft. more than 150 ft. to 170 ft – 35 ft. more than 130 ft. to 150 ft. – 20 ft. 100 ft. to 130 ft. – 15 ft. less than 100 ft. – 10 ft. [2,3,4,5,7] ~~100 ft.~~[4,5]		None	
Vegetation Conservation Buffer for All Other Uses [1]	100 ft.	100 ft.	100 ft. [2, 5, 7]	100 ft.[2,4,5,7]	None	-
Building Height – Maximum						
In Water	Not allowed	Not allowed	35 ft.[6]	35 ft.[6]		35 ft.[6]

Table 4-3-090D7a – Shoreline Bulk Standards

	Natural	Urban Conservancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
Within 100 ft. of OHWM	Not allowed	Not allowed	35 ft.~~[7]~~	35 ft.[8]	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
More Than 100 ft. from OHWM	15 ft.	35 ft.	35 ft.~~[7]~~	35 ft.[8]	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
Accessory Building	15 ft.	15 ft.	15 ft.	Same as above	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
Coverage Standards						
Impervious Area within the Buffer~~/Setback~~	Not allowed	5%[10]	5%[10]	5%[10]	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
Impervious Area landward of the buffer and within 100 ft. of OHWM – Maximum	Not allowed	10%[11]	50%[11]	50%[11]	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
Lot Coverage for Buildings landward of the buffer and within 100 ft. of OHWM – Maximum	5%[12]	5%[12]	25%[12]	None[12]	Governed by underlying zoning in chapter 4-2 ~~RMC[9]~~RMC	
Lot Coverage for Buildings More Than 100	5%	15%	35%	Governed by underlying zoning in	Governed by underlying	

Table 4-3-090D7a – Shoreline Bulk Standards

	Natural	Urban Conservancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
ft. from OHWM – Maximum				chapter 4-2 ~~RMC[9]~~RMC	zoning in chapter 4-2 ~~RMC[9]~~RMC	

Table Notes:

1. Architectural features of buildings, such as eaves or balconies, and other building elements above the first floor may project a maximum of five feet (5') into the ~~buffer/setback area as established in this table, or as modified by subsection F1 of this Section, Vegetation Conservation~~building setback. These projections are allowed within the vegetation conservation buffer when the building setback is 0 feet from the vegetation conservation buffer. The Administrator may allow other projections in the building setback listed in RMC 4-2-110.D.4 where not otherwise specifically addressed in the SMP and not conflicting with the purpose of the building setback.

~~2. Setback~~2. For water-dependent uses, the vegetation conservation buffer and associated building setback shall be the maximum determined by the specific needs of the water-dependent use and shall not apply to a structure housing any other use.

3~~. Building setback and buffer may be based on lot depth as provided in subsection F1c of this Section.~~

3. Alternative Vegetated Buffer Widths and Setbacks for Single-Family Lots:

Setbacks: If the vegetation conservation buffer is less than 100 feet from the OHWM, the building setback is established as the common line setback or 15 feet landward from the minimum vegetated buffer, whichever is greater. The common line setback is calculated by measuring the closest point of the primary structure to the OHWM on the adjacent property located on each side of the subject property and averaging the two (2) primary building setbacks excluding appurtenant structures. If a dwelling unit does not exist immediately adjacent to the subject property, then the setback of the adjacent property without a dwelling unit, for the purposes of determining an average setback, shall be equal to 30 percent of the average parcel depth of the adjacent property.

Buffers: If there is an existing vegetated buffer greater than the minimum required it shall be maintained to its present extent, or no greater than 100 feet from the OHWM, whichever is closer to the OHWM. If the present vegetated buffer is regulated to 100 feet, the required building setback shall be 0 feet.

~~4. Water~~

4. Buildings related to water- -oriented uses may be established closer to OHWM only in cases where the vegetation conservation buffer is ~~varied~~ modified in accordance with subsection F1 of this Section, Vegetation Conservation. ~~Buildings~~provided that in no case shall buildings be ~~no~~located closer than fifty feet (50'~~), except as consistent with a Master Site Plan approved prior to the adoption of this Section.~~) from OHWM.

5. ~~Non-water-oriented uses may be established closer to OHWM only in cases where the vegetation conservation buffer is varied in accordance with subsection F1 of this Section, Vegetation Conservation. BBuildings shall be no closer than seventy five feet (75'), except as consistent with a Master Site Plan approved prior to the adoption of this Section.~~ When a vegetation conservation buffer is 100 feet, the required building setback shall be zero feet (0 feet). Where the vegetation conservation buffer is reduced per RMC 4-3-090.F.1, the Administrator shall require a building setback to ensure that buildings are not located within 100 feet of the OHWM in the Natural and Urban Conservancy Environments. In the High Intensity Environment, the required building setback may be reduced to within 75 feet of the OHWM. In the Single-Family Environment the vegetation buffer and setback is subject to note 3 Alternative Vegetated Buffer Widths and Setbacks for Existing Single-Family Lots.

6. Additional height may be allowed if essential to the function of a water-dependent use~~, except as consistent with a Master Site Plan approved prior to the adoption of this Section.~~.

~~7. If the maximum allowed height in the underlying zoning is less than the maximum allowed height in the shoreline overlay, a non-shoreline variance from the standard in chapter 4-2 RMC, Zoning Districts – Uses and Standards, must be obtained from the Administrator of the Department of Community and Economic Development or designee to allow any height over the amount allowed in the underlying zone.~~

7. For short plats of no more than 4 lots approved in the Shoreline Single Family or High Intensity shoreline designations, use of the minimum vegetated buffer and building setback by lot depth is allowed.

8. Additional height may be allowed if essential to the function of a water-dependent use. Height up to that established in chapter 4-2 RMC, Zoning Districts – Uses and Standards, may be allowed for non-water-dependent uses in the following reaches:

Lake Washington Reaches C, H, I, and J; Cedar River Reaches A, B, and C; Black River Reach A; May Creek Reach B; and Springbrook Creek Reaches B, C, and D:

a. For buildings landward of one hundred feet (100') from OHWM, the maximum building height shall be defined by a maximum allowable building height envelope that shall:

i. Begin along a line lying parallel to and one hundred feet (100') from OHWM at a height of either thirty five feet (35') or one-half (1/2) the maximum height allowed in the underlying zone, whichever is greater; and

ii. Have an upward, landward transition at a slope of one vertical to one horizontal from the beginning height either (a) until the line at which the maximum height allowed in the underlying zoning in chapter 4-2 RMC is reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning), or (b) to the end of shoreline jurisdiction, whichever comes first.

b. For buildings allowed waterward of one hundred feet (100') from OHWM through a modified setback and buffer, the maximum building height shall be as follows:

i. Between the modified setback and buffer line and the line lying parallel to and one hundred feet (100') from OHWM, the maximum building height shall be defined by a maximum allowable building height envelope that shall:

(a) Begin at a height of thirty five feet (35') along the line of the modified setback and buffer; and

(b) Have an upward, landward transition at a slope of one vertical to one horizontal from the beginning height either until the line at which the maximum height allowed in the underlying zoning in chapter 4-2 RMC is reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning) or to the line lying parallel to and one hundred feet (100') from OHWM, whichever comes first; and

ii. Landward of one hundred feet (100') from OHWM, the applicant shall have the option of choosing the maximum building height defined by either:

(a) Using the maximum allowable building height envelope described in Table Note 8.a, above; or

(b) Having the maximum allowable building height envelope described in Table Note 8.b.i, above, continue an upward, landward transition at a slope of one vertical to one horizontal from the envelope's height along a line lying parallel to and one hundred feet (100') from OHWM either until the line at which the maximum height allowed in the underlying zoning in chapter 4-2 RMC is reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning), or to the end of shoreline jurisdiction, whichever comes first.

9. ~~Height is governed by the underlying standards in chapter 4-2 RMC, provided, that if a property is separated from OHWM by an intervening parcel in separate ownership and the distance from OHWM is less than one hundred feet (100'), the height adjacent to the intervening parcel in separate ownership and the distance from OHWM is less than~~

~~one hundred feet (100'),, the height adjacent to the intervening parcel is limited to an increase over the maximum allowed use of the intervening parcel at a slope of one vertical to one horizontal.~~Reserved.

10. No building coverage is allowed in vegetation conservation buffers. Up to five percent (5%) impervious surface is allowed in vegetation conservation buffers~~/setbacks~~ for access to the shoreline, or a pathway up to six feet (6') wide that is located to minimize impervious surface coverage, whichever is greater. In addition, for projects that provide public access and the opportunity for substantial numbers of people to enjoy the shoreline, up to twenty five percent (25%) impervious surface is allowed; provided, that no more than five percent (5%) impervious surface is allowed closer than twenty five feet (25') from ~~OHWM.~~OHWM or a pathway up to six feet (6') wide whichever is greater. The Administrator may approve public access within the first 25 feet from the OHWM where such area already exceeds 25% percent impervious area consistent with RMC 4-10-095.

11. In cases where the ~~depth~~width of the vegetation conservation buffer ~~setback~~ is ~~modified in accordance with subsection F1 of this Section, Vegetation Conservation, that portion of the first~~less than one hundred feet (100') from OHWM ~~upon which development is to be located~~ the area landward of the buffer and within one hundred feet (100') of the OHWM is permitted a maximum of fifty percent (50%) impervious surface, unless a different standard is stated below:

Lake Washington Reaches H and I – Up to seventy five percent (75%) impervious surface, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

Lake Washington Reach J – No limit is provided for the Renton Municipal Airport.

Cedar River Reach A – No limit is provided for the Renton Municipal Airport.

Cedar River Reach B and C – No limit to impervious surface.

Cedar River Reach D – No more than five percent (5%) impervious surface.

Springbrook Creek Reaches B through D – No more than sixty five percent (65%) impervious surface.

12. ~~No building coverage is allowed in vegetation conservation buffers.~~ If the ~~buffer depth is modified in accordance with subsection F1 of this Section, Vegetation Conservation, that portion of the~~ setback falls within the first one hundred feet (100') from OHWM~~ upon which development is~~, the area landward of the setback to ~~be located~~100 feet of the OHWM , shall be permitted the following lot coverage:

Lake Washington High Intensity Overlay District – Up to fifty percent (50%) building coverage, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

Cedar River Reach A – Up to twenty percent (20%) for the Renton Municipal Airport.

Cedar River Reach B – No limit on building coverage.

Cedar River Reach C – Up to sixty five percent (65%) building coverage, or up to seventy five percent (75%) if parking is provided within a building or parking garage (parking stall may not be located within one hundred feet (100') of OHWM).

Cedar River Reach D – No more than five percent (5%) building coverage.

Green River A – Up to fifty percent (50%) building coverage.

Springbrook Creek Reach A – No more than five percent (5%) building coverage.

Springbrook Creek Reaches B through D – Up to fifty percent (50%) building coverage.

13. Fences may be permitted in the shoreline setback or buffer associated with properties in the Single Family and High Intensity designations as follows:

a. Fences along a property line aligned roughly perpendicular to the shoreline may extend no farther waterward than 5 feet upland of the OHWM. Fences aligned roughly perpendicular to the shoreline within 25 feet upland of the OHWM shall be no more than 4 feet high when separating two residential lots and no more than 6 feet high when separating a residential lot from public lands, including rights-of-way.

b. Fences aligned roughly parallel to the shoreline shall be set back at least as far back as the edge of the buffer and shall be no more than 4 feet high.

c. The opaque portions (e.g., boards or slats) of a fence must not cover more than 60 percent of the fence; at least 40 percent of the fence must be open. Chain link fences are not permitted.

d. No trees shall be removed in order to install the fence unless they are found to be dangerous trees per RMC 4-3-090.F.1.

e. No fences may be erected in critical areas or their buffers except in conformance with RMC 4-3-050.

f. No new fences shall be constructed in the floodway.

g. Fences shall not be constructed that impede public access to the shoreline as required in RMC 4-3-090D.4.

b. City-Wide Development Standards: Table 4-3-090D7a replaces the standards of the underlying zone in chapter 4-2 RMC for those specific standards enumerated. All other standards of the Renton development regulations, flood control regulations, subdivision regulations, health regulations, and other adopted regulatory provisions apply within shoreline jurisdiction. In the event the provisions of the Shoreline Master Program conflict with provisions of other City regulations, the more restrictive shall prevail.

c. Measurement:

i. Horizontal measurement shall be measured outward on a plane and in the direction that results in the greatest dimension from property lines, or from other features specified.

ii. Height is measured consistent with the definition of "building height" in RMC 4-11-020.

d. ~~Activities~~ Uses and Improvements Exempt from Buffers and Setbacks: The following ~~development activities~~uses and improvements are ~~not subject to~~ allowed within buffers and setbacks~~;~~ subject to the shoreline bulk or coverage standards provided, ~~that~~ they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions; and provided further, that they comply with all the applicable regulations in RMC Title IV:

i. Water-Dependent Development: Those portions of approved water-dependent development that require a location waterward of the OHWM of streams, rivers, lakes, ponds, marine shorelines, associated wetlands, and/or within their associated buffers.

ii. Underground Utilities: Underground utilities, including stormwater outfalls and conveyance pipes.

iii. Modifications Necessary for Agency Compliance: Modifications to existing development that are necessary to comply with environmental requirements of any agency, when otherwise consistent with the Shoreline Master Program; provided, that the Administrator ~~of the Department of Community and Economic Development or designee~~ determines that:

(a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended;

(b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and

(c) The modification is in conformance with the provisions for nonconforming development and uses.

iv. Necessary Access: Roads, railways, and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development subject to development standards in subsection E of this Section, Use Regulations.

v. Stairs and Walkways: Stairs and walkways not greater than five feet (5') in width or eighteen inches (18') in height above grade, except for railings.

vi. Essential Public Facilities: An essential public facility or public utility where the Administrator ~~of the Department of Community and Economic Development or designee~~ determines that:

(a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended; and

(b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible.

vii. Shared Moorage: Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.

viii. Flood Storage: Approved compensating flood storage areas.

8. Private Property Rights: Regulation of private property to implement any program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and

other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable Federal and State case law, and State statutes, such as RCW 34.05.328, 43.21C.060, and 82.02.020. The Administrator ~~of the Department of Community and Economic Development or designee~~ shall have the authority to make findings concerning public access regarding nexus and proportionality on any shoreline permit.

9. Treaty Rights: Rights reserved or otherwise held by Indian Tribes pursuant to treaties, executive orders, or statutes, including right to hunt, fish, gather, and the right to reserved water, shall not be impaired or limited by any action taken or authorized by the City under its Shoreline Master Program, and all rights shall be accommodated.

E. USE REGULATIONS:

1. Shoreline Use Table: Uses specified in the table below are subject to the use and development standards elsewhere in this Section and the policies of the Shoreline Master Program. Uses not specified in this table may be allowed through a Shoreline Conditional Use permit if allowed in the underlying zoning. All development within shoreline jurisdiction, even if a permitted use in the table below, is subject to a Shoreline Substantial Development permit or Shoreline Exemption as required in RMC 4-9-190B.3.

Table 4-3-090E1 Shoreline Use Table:

KEY: X = Prohibited, P = Permitted, AD = Administrative Conditional Use Permit, H = Hearing Examiner Conditional Use Permit

	Natural	Urban Conservancy	Single Family Residential	Aquatic	High Intensity	High Intensity Isolated
RESOURCE						
Aquaculture	P[1]	P[1]	X	P	P	X
Mining	X	X	X	X	X	X
Preservation and Enhancement of Natural Features or Ecological Processes	P[1]	P	P	P[8]	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Low Intensity Scientific, Cultural, Historic, or Educational Use	P[1]	P	P	P[8]		
Fish and Wildlife Resource Enhancement	P[1]	P	P	P[8]		

Table 4-3-090E1 Shoreline Use Table:

KEY: X = Prohibited, P = Permitted, AD = Administrative Conditional Use Permit, H = Hearing Examiner Conditional Use Permit

	Natural	Urban Conservancy	Single Family Residential	Aquatic	High Intensity	High Intensity Isolated
					Shoreline Conditional Use Permit.	
RESIDENTIAL						
Detached Dwellings	X	P[4]	P[5]	X	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Attached Dwellings	X	X	X	X		
Accessory Dwelling Units	X	AD	AD	X		
Group Homes I	X	X	X	X		
Group Homes II (for six or fewer residents)	X	X	P	X		
Group Homes II (for seven or more residents)	X	X	H	X		
Adult Family Home	X	X	~~H~~As allowed in underlying zoning.	X		
CIVIC USES						
K-12 Educational Institution (public or private)	X	X	P	X	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Roads (not providing direct access to permitted or conditional uses)	X	X	H	X		

Table 4-3-090E1 Shoreline Use Table:

KEY: X = Prohibited, P = Permitted, AD = Administrative Conditional Use Permit, H = Hearing Examiner Conditional Use Permit

	Natural	Urban Conservancy	Single Family Residential	Aquatic	High Intensity	High Intensity Isolated
COMMERCIAL USES						
Home Occupations	X	P	AD	X	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Adult Day Care I	X	X	AD	X		
Adult Day Care II	X	X	H	X		
RECREATION						
Parks, Neighborhood	H[1]	H[6]	P	P[8]	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Parks, Regional/Community	H[1]	H[6]	AD[6]	P[8]		
Passive Recreation	H[1]	P	P	P[8]		
Public Hiking and Bicycle Trails, Over Land	H[1]	P[1]	P	X		
Active Recreation	X	P[2]	P	P[8]		
Boat Launches	X	P	X	P[8]		
Mooring Piles	X	P	P	P[8]		
Boat Moorage	X	P	P	P[8]		
Boat Lifts	X	X	P[7]	P[8]		
Boat Houses	X	X	X	X		
Golf Courses	X	H[2]	H	X		
Marinas	X	X	AD[6]	P[8]		
Expansion of Existing Over-Water Trails	H[10]	AD[10]	AD[10]	AD[10]	AD[10]	X

Table 4-3-090E1 Shoreline Use Table:

KEY: X = Prohibited, P = Permitted, AD = Administrative Conditional Use Permit, H = Hearing Examiner Conditional Use Permit

	Natural	Urban Conservancy	Single Family Residential	Aquatic	High Intensity	High Intensity Isolated
INDUSTRIAL						
Industrial Use	X	X	X	H[8]	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
UTILITIES						
Structures for Floodway Management, Including Drainage or Storage and Pumping Facilities	H[1]	P	P	P[8]	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Local Service Utilities	X	P[3]	P[3]	P[8]		
Major Service Utilities	X	H[6]	H[6]	H[6]	P[3]	P[8]
ACCESSORY USES						
Parking Areas	X	P[3]	P[3]	X	Except for the land uses specified in this table, land	Except for the land uses
Roads	X	P[3]	P[3]	X		

Table 4-3-090E1 Shoreline Use Table:

KEY: X = Prohibited, P = Permitted, AD = Administrative Conditional Use Permit, H = Hearing Examiner Conditional Use Permit

	Natural	**Urban Conservancy**	**Single Family Residential**	**Aquatic**	**High Intensity**	**High Intensity Isolated**
Bed and Breakfast House	X	X	AD	X	uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding Shoreline Conditional Use Permit.	specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
Sea Plane Moorage	X	X	P	P[8]		
Helipads	X	X	P	P[8]		
~~**USES NOT SPECIFIED**~~	~~X~~	~~X~~	~~H[9]~~	~~H[8]~~	~~H[9]~~	~~X~~

Table Notes:

1. Provided that the use does not degrade the ecological functions or natural character of the shoreline area.

2. Use is allowed, but structures shall not be placed within the shoreline jurisdiction.

3. Allowed only to serve approved or conditional uses, but should be located outside of shoreline jurisdiction if feasible.

4. Limited to existing lots, or clustered subdivisions that retain sensitive areas.

5. Includes uses customarily incidental to and subordinate to the primary use, and located on the same lot.

6. Existing use is permitted, but new use is subject to a Shoreline Conditional Use Permit.

7. Allowed as accessory to a residential dock; provided, that all lifts are placed as far waterward as feasible and safe; and platform lifts are fully grated.

8. Only allowed if the use is water-dependent.

9. ~~If the unspecified use is prohibited in the underlying zoning it is also prohibited in shoreline jurisdiction.~~Reserved.

10. No new over-water trails shall be allowed unless it is part of the expansion of an existing over-water trail or over-water trail system. Such expansions shall be considered a conditional use if allowed in the Public Access Requirements by Reach Table at subsection D4f of this Section and if impacts are limited.

2. Aquaculture:

a. No Net Loss Required: Aquaculture shall not be permitted in areas where it would result in a net loss of ecological functions and shall be designed and located so as not to spread disease to native aquatic life, or establish new non-native species which cause significant ecological impacts.

b. Aesthetics: Aquaculture facilities shall not significantly impact the aesthetic qualities of the shoreline.

c. Structure Requirements: All structures over or in the water shall meet the following restrictions:

i. They shall be securely fastened to the shore.

ii. They shall be designed for a minimum of interference with the natural systems of the waterway including, for example, water flow and quality, fish circulation, and aquatic plant life.

iii. They should not prohibit or restrict other human uses of the water, such as swimming and/or boating.

iv. They shall be set back appropriate distances from other shoreline uses, if potential conflicts exist.

3. Boat Launching Ramps:

a. Boat Launching Ramps Shall Be Public: Any new boat launching ramp shall be public, except those related to a marina, water-dependent use, or providing for hand launching of small boats with no provisions for vehicles or motorized facilities.

b. No Net Loss Required: Choice of sites for boat launching ramps shall ensure no net loss of ecological functions through assessment of the shoreline conditions and impacts of alteration of those conditions, as well as the disturbance resulting from the volume of boat users.

c. Consideration of Impacts on Adjacent Uses: Launch ramps locations shall consider impacts on adjacent uses including:

i. Traffic generation and the adequacy of public streets to service.

ii. Impacts on adjacent uses, including noise, light, and glare.

iii. Hours of operation may be restricted to assure compatibility.

iv. Potential impacts on aquatic habitat, including impacts of disturbance by boats using the facility.

d. Water and Shore Characteristics:

i. Water depth shall be deep enough off the shore to allow use by boats without maintenance dredging.

ii. Water currents and movement and normal wave action shall be suitable for ramp activity.

e. Topography: The proposed area shall not present major geological or topographical obstacles to construction or operation of the ramp. Site adaptation such as dredging shall be minimized.

f. Design to Ensure Minimal Impact: The ramp shall be designed so as to allow for ease of access to the water with minimal impact on the shoreline and water surface.

g. Surface Materials: The surface of the ramp may be concrete, precast concrete, or other hard permanent substance. Loose materials, such as gravel or cinders, will not be used. The material chosen shall be appropriate considering the following conditions:

i. Soil characteristics;

ii. Erosion;

iii. Water currents;

iv. Waterfront conditions;

v. Usage of the ramp;

vi. Durability; and

vii. Avoidance of contamination of the water.

h. Shore Facilities Required:

i. Adequate on-shore parking and maneuvering areas shall be provided based on projected demand. Provision shall be made to limit use to available parking to prevent spillover outside designated parking areas.

ii. Engineering design and site location approval shall be obtained from the appropriate City department.

4. Commercial and Community Services:

a. Use Preference and Priorities: New commercial and community services developments are subject to the following:

i. Water-Dependent Uses: Water-dependent commercial and community service uses shall be given preference over water-related and water-enjoyment commercial and community service uses. Prior to approval of water-dependent uses, the Administrator~~ of the Department of Community and Economic Development or designee~~ shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Water-dependent commercial and community service uses shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-oriented use may include multiple use, approved non-water-oriented uses, ecological restoration, and public access. All uses shall provide public access in accordance with subsection D4f of this Section, Table of Public Access Requirements by Reach. On Lake Washington, multiple use development that incorporates water-dependent use within one hundred feet (100') of the OHWM may not include non-water-oriented uses at the ground level.

ii. Water-Related Uses: Water-related commercial and community service uses shall not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial or community service use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. On Lake Washington, allowed water-related commercial and community service uses shall be evaluated in terms of whether the use facilitates a State-wide interest, including increasing public access and public recreational opportunities in the shoreline.

iii. Water-Enjoyment Uses: Water-enjoyment commercial and community service uses shall not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, review of the design, layout, and operation of the use shall confirm that the use facilitates public access to the shoreline as, or the use provides for, aesthetic enjoyment of the shoreline for a substantial number of people as a primary characteristic of the use. The ground floor of the use must be ordinarily open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment. On Lake Washington, allowed water-enjoyment commercial uses shall be evaluated in terms of

whether the use facilitates a State-wide interest, including increasing public access and public recreational opportunities in the shoreline.

iv. Non-Water-Oriented Uses: Non-water-oriented commercial and community service uses may be permitted where:

(a) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded; provided, that such conditions were lawfully established prior to the effective date of the Shoreline Master Program, or established with the approval of the City; or

(b) Proposed on a site where navigability is severely limited (i.e., all shoreline rivers and creeks), the commercial or community service use provides a significant public benefit such as providing public access and/or ecological restoration; or

(c) The use is part of a multiple use project that provides significant public benefit with respect to the objectives of the Shoreline Management Act such as:

(1) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific reach as specified in subsection F1 of this Section, Vegetation Conservation, and in accordance with the Restoration Element of this plan or other plans and policies including the WRIA 8 Salmon Restoration Plans; or

(2) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access. Community access may be allowed subject to the provisions of subsection E9 of this Section, Residential Development.

b. Over-Water Structures: Over-water structures are allowed only for those portions of water-dependent commercial uses that require over-water facilities or for public recreation and public access facilities. Non-water-dependent commercial uses shall not be allowed over water except in limited instances where they are appurtenant to and necessary in support of water-dependent uses.

c. Setbacks: Public access adjacent to the water may be located within the required setback, subject to the standards for impervious surface in subsection D7a of this Section, Setbacks, for non-water-oriented commercial buildings and shall be located no closer than one hundred feet (100') from the OHWM; provided, this requirement may be modified in accordance with subsection F1 of this Section, Vegetation Conservation.

d. Scenic and Aesthetic Qualities: All new or expanded commercial and community services developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in subsection D3 of this Section, Use Compatibility and Aesthetic Effects and subsection D5 of this Section, Building and Development Location – Shoreline Orientation.

5. Industrial Use:

a. Use Preferences and Priorities: Industrial developments shall be permitted subject to the following:

i. Water-Dependent Uses: New industrial uses in new structures within the required setback of the shoreline must be water-dependent.

ii. Existing Non-Water-Dependent Uses: Existing non-water-dependent uses may be retained and expanded, subject to provisions for nonconforming uses activities and sites; provided, that expansion of structures within the required setback between the building and the water shall be prohibited unless it is demonstrated that the impacts of the expansion can be mitigated through on-site measures such as buffer enhancement or low impact stormwater development. Changes in use are limited to existing structures.

iii. Water-Related Uses: Water-related industrial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related industrial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. Allowed water-related commercial uses shall be evaluated in terms of whether the use facilitates a public interest, including increasing public access and public recreational opportunities in the shoreline.

iv. Non-Water-Oriented Uses: Non-water-oriented industrial uses may be permitted where:

(a) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded; provided, that such conditions were lawfully established prior to the effective date of the Shoreline Master Program; or

(b) On a site that abuts the water's edge where navigability is severely limited (i.e., all shoreline rivers and creeks) and where the use provides significant public benefit with respect to the objectives of the Shoreline Management Act by:

(1) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific reach as specified in subsection F1 of this Section, Vegetation Conservation, and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans; or

(2) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with subsection D4 of this Section, Public Access.

b. Clustering of Non-Water-Oriented Uses: Any new use of facility or expansion of existing facilities shall minimize and cluster those water-dependent and water-related portions of the development along the shoreline and place inland all facilities which are not water-dependent.

c. Over-Water Structures: Over-water structures are allowed only for those portions of water-dependent industrial uses that require over-water facilities. Any over-water structure is water-dependent, is limited to the smallest reasonable dimensions, and is subject to shoreline conditional use approval.

d. Materials Storage: New industrial development may not introduce exterior storage of materials outside of buildings within shoreline jurisdiction, except by approval of a Shoreline Conditional Use Permit subject to the additional criteria that exterior storage is essential to the use.

e. No Discharge Allowed: Each industrial use shall demonstrate that no spill or discharge to surface waters will result from the use or shall demonstrate in the permit application a specific program to contain and clean up spills or discharges of pollutants associated with the industrial use and activity.

f. Offshore Log Storage: Offshore log storage shall only be allowed only to serve a processing use and shall be located where water depth is sufficient without dredging, where water circulation is adequate to disperse polluting wastes and where they will not provide habitat for salmonid predators.

g. Scenic and Aesthetic Qualities: New or expanded industrial developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in subsection D3 of this Section, Use Compatibility and Aesthetic Effects, and subsection D5 of this Section, Building and Development Location – Shoreline Orientation.

6. Marinas:

a. Applicability: The standards specified for marinas shall be applied to all development as described below:

i. Joint use single family docks serving four (4) or more residences.

ii. Any dock allowed for multi-family uses.

iii. Docks serving all other multiple use facilities including large boat launches and mooring buoy fields.

b. Lake Washington: Marinas on Lake Washington shall be permitted only when:

i. Detailed analysis of ecological conditions demonstrate that they will not result in a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including delta formation, or adversely affect native and anadromous fish.

ii. Future dredging is not required to accommodate navigability.

iii. Adequate on-site parking is available commensurate with the size and character of moorage facilities provided in accordance with the parking standards in RMC 4-4-080F. Parking areas not associated with loading areas shall be sited as far as feasible from the water's edge and outside of vegetated buffers described in subsection F1 of this Section, Vegetation Conservation.

iv. Adequate water area is available commensurate with the actual moorage facilities provided.

v. The location of the moorage facilities is adequately served by public roads.

c. Location Criteria:

i. Marinas shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas and protect the public health, safety, and welfare.

ii. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

iii. Marinas, launch ramps, and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.

d. Design Requirements:

i. Marinas shall be designed to result in no net loss of ecological functions.

ii. Marinas and boat launches shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. Features for such

access could include, but are not limited to: docks and piers, pedestrian bridges to offshore structures, fishing platforms, artificial pocket beaches, and underwater diving and viewing platforms.

iii. Dry upland boat storage is preferred for permanent moorage in order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of public water surface areas unless:

(a) No suitable upland locations exist for such facilities; or

(b) It is demonstrated that wet moorage would result in fewer impacts to ecological functions; or

(c) It is demonstrated that wet moorage would enhance public use of the shoreline.

iv. Marinas, launch ramps, and accessory uses shall be located and designed with the minimum necessary shoreline stabilization.

v. Public access shall be required in accordance with subsection D4 of this Section, Public Access.

vi. Piers and docks shall meet standards in subsection E7 of this Section, Piers and Docks.

vii. New covered moorage for boat storage is prohibited. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over-water structures. When feasible any covered over-water structures shall incorporate windows, skylights, or other materials to allow sufficient light to reach the water's surface.

e. Operation Requirements:

i. Marinas and other commercial boating activities shall be equipped with facilities to manage wastes, including:

(a) Marinas with a capacity of one hundred (100) or more boats, or further than one mile from such facilities, shall provide pump-out, holding, and/or treatment facilities for sewage contained on boats or vessels.

(b) Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall have adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

(c) Garbage or litter receptacles shall be provided and maintained by the operator at locations convenient to users.

(d) Disposal or discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles near a marina or launch ramp is prohibited.

(e) Public notice of all regulations pertaining to handling and disposal of waste, sewage, fuel, oil or toxic materials shall be reviewed and approved and posted where all users may easily read them.

ii. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable Federal and State water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

7. Piers and Docks:

a. General Criteria for Use and Approval of All New or Expanded Piers and Docks:

i. Piers and docks shall be designed to minimize interference with the public use and enjoyment of the water surface and shoreline, nor create a hazard to navigation.

ii. The dock or pier shall not result in the unreasonable interference with the use of adjacent docks and/or piers.

iii. The use of floating docks in lieu of other types of docks is to be encouraged in those areas where scenic values are high and where substantial conflicts with recreational boaters and fishermen will not be created.

iv. The expansion of existing piers and docks is preferred over the construction of new.

v. The responsibility rests on the applicant to affirmatively demonstrate the need for the proposed pier or dock in his/her application for a permit, except for a dock accessory to a single family residence on an existing lot.

vi. All piers and docks shall result in no net loss of ecological functions. Docks, piers, and mooring buoys, including those accessory to single family residences, shall avoid, or if that is not possible, minimize and mitigate adverse impacts to shoreline ecological functions such that no net loss of ecological functions results.

vii. Over-water construction not required for moorage purposes is regulated as a recreation use.

viii. New or expanded piers and docks allowed for water-dependent uses shall be consistent with the following criteria:

(a) Water-dependent uses shall specify the specific need for over-water location and shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

(b) Water-related, water-enjoyment and multiple uses may be allowed as part of a dock or pier to serve as water-dependent use structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

(c) Public access is required over all docks utilizing public aquatic lands that serve water-dependent uses, water-enjoyment uses and multiple uses, provided it does not preclude the water-dependent use.

(d) The dock or pier length shall not extend beyond a length necessary to provide reasonable and safe moorage.

b. Additional Criteria for New or Expanded Residential Docks:

i. Single Family Docks:

(a) Single Family Joint Use Docks: A pier or dock which is constructed for private recreation moorage associated with a single family residence, for private joint use by two or more single family waterfront property owners, or a community pier or dock in new waterfront single family subdivision, is considered a water-dependent use; provided, that it is designed and used only as a facility to access watercraft owned by the occupants, and to incidental use by temporary guests. No fees or other compensation may be charged for use by nonresidents of piers or docks accessory to residences.

(b) Individual Single Family Docks: The approval of a new dock or pier or a modification or extension of an existing dock or pier shall include a finding that the following criteria have been met:

(1) A new dock providing for private recreational moorage for an individual lot may not be permitted in subdivisions approved on or before January 28, 1993, unless shared

moorage is not available, and there is no homeowners association or other corporate entity capable of developing shared moorage.

(2) A new dock shall not be allowed for an individual lot in cases where a joint use dock has been constructed to serve the subject lot.

(3) Prior to approval of a new dock for private recreational moorage for an individual lot, the owner should demonstrate that adjacent owners have been contacted and they have declined to develop or utilize a shared dock. Such information should be provided in the project narrative at the time of permit submittal.

(4) A new dock should be approved only in cases where use of a mooring buoy is demonstrated to be impractical for reducing over-water coverage.

ii. Multi-Family Docks: Multi-family residential use is not considered a water-dependent use under the Shoreline Management Act and moorage for multi-family residential use shall be provided only when the following criteria are met:

(a) The dock provides a public benefit of shoreline ecological enhancement in the form of vegetation conservation buffer enhancement in accordance with subsection F1 of this Section, Vegetation Conservation, and/or public access in accordance with subsection D4 of this Section, Public Access;

(b) Moorage at the proposed dock shall be limited to residents of the apartments, condominiums, or similar developments for which the dock was built;

(c) Multi-family moorage serving more than four (4) vessels meets the criteria for the approval of marinas in subsection E6 of this Section, Marinas.

iii. Shared Docks Required for New Development: Shared moorage shall be provided for all new residential developments of more than two (2) single family dwelling units. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for shared moorage shall be owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to property owners in the subdivision for community access and may be required to provide public access depending on the scale of the facility. If shared moorage is provided, the applicant/proponent shall file at the time of plat recordation a legally enforceable joint use agreement. Approval shall be subject to the following criteria:

(a) Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. Shared moorage use by upland property owners shall be reviewed as a marina.

(b) As few shared docks as possible shall be developed. Development of more than one dock shall include documentation that a single dock would not accommodate the need or that adverse impacts on ecological functions would result from the size of dock required.

(c) The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

(d) Public access shall be provided over all shared docks utilizing public aquatic lands that accommodate five (5) or more vessels.

c. Design Criteria – General:

i. Pier Type: All piers and docks shall be built of open pile construction except that floating docks may be permitted where there is no danger of significant damage to an ecosystem, where scenic values are high and where one or more of the following conditions exist:

(a) Extreme water depth, beyond the range of normal length piling.

(b) A soft bottom condition, providing little support for piling.

(c) Bottom conditions that render it not feasible to install piling.

ii. Construction and Maintenance: All piers and docks shall be constructed and maintained in a safe and sound condition.

iii. Approach: Approaches to piers and docks shall consist of ramps or other structures that span the entire foreshore to the point of intersection with stable upland soils. Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the pier or dock.

iv. Materials: Applicants for the new construction or extension of piers and docks or the repair and maintenance of existing docks shall use materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions of a pier or dock, decking, and other components that may come in contact with water shall be approved by applicable State agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Pilings shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete or steel.

v. Pilings: Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. The first piling set shall be spaced at the maximum distance feasible to minimize shading and shall be no less than eighteen feet (18'). Pilings beyond the first set of piles shall minimize the size of the piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations.

vi. Minimization of Nearshore Impacts: In order to minimize impacts on nearshore areas and avoid reduction in ambient light level:

(a) The width of piers, docks, and floats shall be the minimum necessary to serve the proposed use.

(b) Ramps shall span as much of the nearshore as feasible.

(c) Dock surfaces shall be designed to allow light penetration.

(d) Lights shall avoid illuminating the water surface. Lighting facilities shall be limited to the minimum extent necessary to locate the pier or dock at night for docks serving residential uses. Lighting to serve water-dependent uses shall be the minimum required to accommodate the use and may not be used when the water-dependent aspects of the use are not in operation.

vii. Covered Moorage: Covered moorage is not allowed on any moorage facility unless translucent materials are used that allow light penetration through the canopy, or through the roof of legal, pre-existing boat houses. Temporary vessel covers must be attached to the vessel. New boat houses are not allowed.

viii. Seaplane Moorage: Seaplane moorage may be accommodated at any dock that meets the standards of the Shoreline Master Program.

ix. Other Agency Requirements: If deviation from the design standards specified in subsection E7 of this Section, Piers and Docks, is approved by another agency with permitting authority, such as the Washington Department of Fish and Wildlife or the U.S. Army Corps of Engineers, it shall be approved with a variance, subject to all conditions and requirements of those permitting agencies.

d. Design Standards:

	Single Family	Joint Use and Community Docks	Commercial and Industrial Docks – Water-Dependent Uses	Non-Water-Dependent Uses
WHEN ALLOWED				
	Maximum of one pier or dock per developed waterfront lot or ownership.	A joint use dock may be constructed for two (2) or more contiguous waterfront properties and may be located on a side property line, or straddling a side property line, common to both properties or be provided with an access easement for all lots served.[1] Joint use docks or piers serving more than four (4) residences shall be regulated as marinas.	Water-dependent commercial and industrial uses may develop docks and piers to the extent that they are required for water-dependent use. Public access shall be provided in accordance with subsection D4 of this Section, Public Access.	Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection E8 of this Section, Recreation.
LENGTH – MAXIMUM				
Docks and Piers	Minimum needed to provide moorage for a single family residence, a maximum of one ell and two (2) fingers. Maximum: 80 ft. from OHWM.[2]	Minimum needed to provide moorage for the single family residences or community being served. Maximum: 80 ft. from OHWM.[2]	Minimum needed to serve specific vessels or other water-dependent uses specified in the application. Maximum: 120 ft. from OHWM.[2] Facilities adjacent to a designated harbor area: The dock or pier may extend to the lesser of: a) The general standard, above; or b) The inner harbor line or such point beyond the inner harbor line as is allowed by formal authorization by the Washington State Department of Natural Resources (DNR) or other agency with jurisdiction.	Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection E8 of this Section, Recreation.
Ells and Fingers	26 ft.	26 ft.	Minimum needed to serve specific vessels or other water-dependent uses specified in the application.	
Floats	20 ft.	20 ft.	Minimum needed to serve specific vessels or other water-dependent uses	

	Single Family	Joint Use and Community Docks	Commercial and Industrial Docks – Water-Dependent Uses	Non-Water-Dependent Uses
			specified in the application.	
WIDTH				
Docks and Piers	4 ft.[4]	6 ft.	Maximum walkway: 8 ft., but 12 ft. if vehicular access is required for the approved use.[3]	Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection E8 of this Section, Recreation.
Ells and Floats	6 ft.	6 ft.	Minimum needed to serve specific vessels or other water-dependent uses specified in the application.	
Fingers	2 ft.	2 ft.	Minimum needed to serve specific vessels or other water-dependent uses specified in the application.	
Ramp Connecting a Pier/Dock to a Float	3 ft. for walkway, 4 ft. total	3 ft. for walkway, 4 ft. total	Minimum needed to serve specific vessels or other water-dependent uses specified in the application.	
PILINGS – MAXIMUMS				
Mooring Piles	Two (2) piles, up to 12 in. in diameter, installed within 24 ft. of a dock or pier and out of the nearshore area.	Four (4) piles, up to 12 in. in diameter, installed within 24 ft. of a dock or pier and out of the nearshore area.	Minimum needed to serve specific vessels or other water-dependent uses specified in the application.	Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection E8 of this Section, Recreation.
SETBACKS – MINIMUMS				
Side Setback	No portion of a pier or dock may lie closer than 5 ft. to an adjacent property line and	No portion of a pier or dock may lie closer than 5 ft. to an adjacent property line and may not interfere with navigation.	No portion of a pier or dock may lie closer than 30 ft. to an adjacent property line.	Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to

	Single Family	Joint Use and Community Docks	Commercial and Industrial Docks – Water-Dependent Uses	Non-Water-Dependent Uses
	may not interfere with navigation.			the performance standards for over-water structures for recreation in subsection E8 of this Section, Recreation.

Table Notes:

1. A joint use ownership agreement or covenant shall be executed and recorded with the King County Assessor's Office prior to the issuance of permits. A copy of the recorded agreement shall be provided to the City. Such documents shall specify ownership rights and maintenance provisions, including: specifying the parcels to which the agreement shall apply; providing that the dock shall be owned jointly by the participating parcels and that the ownership shall run with the land; providing for easements to access the dock from each lot served and provide for access for maintenance; providing apportionment of construction and maintenance expenses; and providing a means for resolution of disputes, including arbitration and filing of liens and assessments.

2. Maximum length is eighty feet (80') unless a depth of ten feet (10') cannot be obtained. In such circumstances the dock may be extended until the water depth reaches a point of ten feet (10') in depth at ordinary low water.

3. Additional width may be allowed to accommodate public access in addition to the water-dependent use.

4. That portion of a pier or dock beyond thirty feet (30') from OHWM may be up to six feet (6') wide, without a variance, if approved by the U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife; or a pier or dock may be six feet (6') wide, waterward from land, without a variance, if the property owner qualifies for State disabled accommodations.

e. Maintenance and Repair of Docks: Existing docks or piers that do not comply with these regulations may be repaired in accordance with the criteria below.

i. When the repair and/or replacement of the surface area exceeds thirty percent (30%) of the surface area of the dock/pier, light penetrating materials must be used for all replacement decking. For floating docks, light penetrating materials shall be used where feasible, and as long as the structural integrity of the dock is maintained.

ii. When the repair involves replacement of the surfacing materials only, there is no requirement to bring the dock/pier into conformance with dimensional standards of this Section.

iii. When the repair/replacement involves the replacement of more than fifty percent (50%) of the pilings, or more, the entire structure shall be replaced in compliance with these regulations. For floating docks, when the repair/replacement involves replacement of more than fifty percent (50%) of the total supporting structure (including floats, pilings, or cross-bars), the entire structure shall be replaced in compliance with these regulations.

iv. When the existing dock/pier is moved or expanded or the shape reconfigured, the entire structure shall be replaced in compliance with these regulations.

f. Buoy and Float Regulations:

i. Buoys Preferred: The use of buoys for moorage is preferable to piers, docks, or floats and buoys may be sited under a shoreline exemption instead of a Substantial Development Permit, provided they do not exceed the cost threshold.

ii. Floats: Floats shall be allowed under the following conditions:

(a) The float is served by a dock attached to the shore for use of only a tender. The dock shall be the minimum length to allow access to a tender and may not exceed a length of forty feet (40').

(b) Floats shall be anchored to allow clear passage on all sides by small watercraft.

(c) Floats shall not exceed a maximum of one hundred (100) square feet in size. A float proposed for joint use between adjacent property owners may not exceed one hundred and fifty (150) square feet per residence. Floats for public use shall be sized in order to provide for the specific intended use and shall be limited to the minimum size necessary.

(d) A single family residence may only have one float.

(e) Floats shall not be located a distance of more than eighty feet (80') beyond the OHWM, except public recreation floats.

g. Variance to Dock and Pier Dimensions:

i. Requests for greater dock and pier dimensions than those specified above may be submitted as a shoreline variance application, unless otherwise specified.

ii. Any greater dimension than those listed above may be allowed subject to findings that a variance request complies with:

(a) The general criteria for shoreline variance approval in RMC 4-9-190I4.

(b) The additional criteria that the allowed dock or pier cannot reasonably provide the purpose for which it is intended without specific dimensions to serve specific aspects of a water-dependent use.

(c) Meets the general criteria for all new and expanded piers and docks in subsection E7a of this Section.

8. Recreation:

a. When Allowed: Recreation activities are allowed when:

i. There is no net loss of ecological functions, including on- and off-site mitigation.

ii. Water-related and water-enjoyment uses do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses.

iii. The level of human activity involved in passive or active recreation shall be appropriate to the ecological features and shoreline environment.

iv. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW 90.58.100(4).

b. Location Relative to the Shoreline: Activities provided by recreational facilities must bear a substantial relationship to the shoreline, or provide physical or visual access to the shoreline.

i. Water-dependent recreation such as fishing, swimming, boating, and wading should be located on the shoreline.

ii. Water-related recreation such as picnicking, hiking, and walking should be located near the shoreline.

iii. Non-water-related recreation facilities shall be located inland. Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive impervious surfaces shall observe vegetation management standards providing for native vegetation buffer areas along the shoreline.

c. Over-Water Structures: Over-water structures for recreation use shall be allowed only when:

i. They allow opportunities for substantial numbers of people to enjoy the shorelines of the State.

ii. They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas.

iii. They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge.

iv. No net loss of ecological functions will result.

d. Public Recreation: Public recreation uses shall be permitted within the shoreline only when the following criteria are considered:

i. The natural character of the shoreline is preserved and the resources and ecology of the shoreline are protected.

ii. Accessibility to the water's edge is provided consistent with public safety needs and in consideration of natural features.

iii. Recreational development shall be of such variety as to satisfy the diversity of demands of the local community.

iv. Water-related and water-enjoyment uses do not displace water-dependent uses and uses are consistent with existing water-related and water-enjoyment uses.

v. Recreational development is located and designed to minimize detrimental impact on the adjoining property.

vi. The development provides parking and other necessary facilities to handle the designed public use.

vii. Effects on private property are consistent with all relevant constitutional and other legal limitations on regulation or acquisition of private property.

viii. Public parks and other public lands shall be managed in a manner that provides a balance between providing opportunities for recreation and restoration and enhancement of the shoreline. Major park development shall be approved only after a master planning process that provides for a balance of these elements.

e. Private Recreation:

i. Private recreation uses and facilities that exclude the public from public aquatic lands are prohibited. Private recreation uses that utilize public aquatic lands shall provide public access in accordance with criteria in subsection D4 of this Section, Public Access.

ii. Private recreational uses open to the public shall be permitted only when the following standards are met:

(a) There is no net loss of ecological functions, including on- and off-site.

(b) There is reasonable public access provided to the shoreline at no fee for sites providing recreational uses that are fee supported, including access along the water's

edge where appropriate. In the case of Lake Washington, significant public access shall be provided in accordance with public access criteria in subsection D4 of this Section, Public Access.

(c) The proposed facility will have no significant detrimental effects on adjacent parcels and uses.

(d) Adequate, screened, and landscaped parking facilities that are separated from pedestrian paths are provided.

(e) Recreational uses are encouraged in multiple use commercial development.

9. Residential Development:

a. Single Family Priority Use and Other Residential Uses: Single family residences are a priority on the shoreline under the Shoreline Management Act (RCW 90.58.020). All other residential uses are subject to the preference for water-oriented use and must provide for meeting the requirements for ecological restoration and/or public access.

b. General Criteria: Residential developments shall be allowed only when:

i. Density and other characteristics of the development are consistent with the Renton Comprehensive Plan and Zoning Code.

ii. Residential structures shall provide setbacks and buffers as provided in subsection D7a of this Section, Shoreline Bulk Standards, or as modified under subsection F1 of this Section, Vegetation Conservation.

c. Public Access Required: Unless deemed inappropriate due to health, safety, or environmental concerns, new single family residential developments, including subdivision of land for ten (10) or more parcels, shall provide public access in accordance with subsection D4 of this Section, Public Access. Unless deemed inappropriate due to health, safety or environmental concerns, new multi-family developments shall provide a significant public benefit such as providing public access and/or ecological restoration along the water's edge. For such proposed development, a community access plan may be used to satisfy the public access requirement if the following written findings are made by the Administrator~~ of the Department of Community and Economic Development or designee~~:

i. The community access plan allows for a substantial number of people to enjoy the shoreline; and

ii. The balance of the waterfront not devoted to public and/or community access shall be devoted to ecological restoration.

d. Shoreline Stabilization Prohibited: New residential development shall not require new shoreline stabilization. Developable portions of lots shall not be subject to flooding or require structural flood hazard reduction measures within a channel migration zone or floodway to support intended development during the life of the development or use. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that new shoreline stabilization is unlikely to be necessary for each new lot to support intended development during the life of the development or use.

e. Critical Areas: New residential development shall include provisions for critical areas including avoidance, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian and marine shoreline erosion areas, and shall meet all applicable development standards. Setbacks from hazards shall be sufficient to protect structures during the life of the structure (one hundred (100) years).

f. Vegetation Conservation: All new residential lots shall meet vegetation conservation provisions in subsection F1 of this Section, Vegetation Conservation, including the full required buffer area together with replanting and control of invasive species within buffers to ensure establishment and continuation of a vegetation community characteristic of a native climax community. Each lot must be able to support intended development without encroachment on vegetation conservation areas, except for public trains and other uses allowed within such areas. Areas within vegetation conservation areas shall be placed in common or public ownership when feasible.

g. New Private Docks Restricted: All new subdivisions shall record a prohibition on new private docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of the Shoreline Master Program including demonstration that public and private marinas and other boating facilities are not sufficient to meet the moorage needs of the subdivision.

h. Floating Residences Prohibited: Floating residences are prohibited.

10. Transportation:

a. General Standards: New and expanded transportation facilities shall be designed to achieve no net loss of ecological functions within the shoreline. To the maximum extent feasible the following standards shall be applied to all transportation projects and facilities:

i. Facilities shall be located outside of the shoreline jurisdiction and as far from the land/water interface as possible. Expansion of existing transportation facilities shall include analysis of

system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.

ii. Facilities shall be located and designed to avoid significant natural, historical, archaeological, or cultural sites, and mitigate unavoidable impacts.

iii. Facilities shall be designed and maintained to prevent soil erosion, to permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility.

iv. All debris and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion into any water body and shall be specified in submittal materials.

v. Facilities shall avoid the need for shoreline protection.

vi. Facilities shall allow passage of flood waters, fish passage, and wildlife movement by using bridges with the longest span feasible or when bridges are not feasible, culverts and other features that provide for these functions.

vii. Facilities shall be designed to accommodate as many compatible uses as feasible, including, but not limited to: utilities, viewpoint, public access, or trails.

b. Roads:

i. New public or private roads and driveways shall be located inland from the land/water interface, preferably out of the shoreline, unless:

(a) Perpendicular water crossings are required for access to authorized uses consistent with the Shoreline Master Program; or

(b) Facilities are primarily oriented to pedestrian and nonmotorized use and provide an opportunity for a substantial number of people to enjoy shoreline areas, and are consistent with policies and regulations for ecological protection.

ii. Road locations shall be planned to fit the topography, where possible, in order that minimum alteration of existing natural conditions will be necessary.

iii. RCW 36.87.130 prohibits vacation of any right-of-way that abuts freshwater except for port, recreational, educational or industrial purposes. Therefore, development, abandonment, or alteration of undeveloped road ends within Shoreline Master Program jurisdiction is

prohibited unless an alternate use is approved in accordance with the Shoreline Master Program.

c. *Railroads:* New or expanded railroads shall be located inland from the land/water interface and out of the shoreline where feasible. Expansion of the number of rails on an existing right-of-way shall be accompanied by meeting the vegetation conservation provisions for moderate expansion of nonconforming uses in RMC 4-10-095, Nonconforming Uses, Activities, Structures and Sites.

d. Trails:

i. Trails that provide public access on or near the water shall be located, designed, and maintained in a manner that protects the existing environment and shoreline ecological functions. Preservation or improvement of the natural amenities shall be a basic consideration in the design of shoreline trails.

ii. The location and design of trails shall create the minimum impact on adjacent property owners including privacy and noise.

iii. Over-water structures may be provided for trails in cases where:

(a) Key trail links for local or regional trails must cross streams, wetlands, or other water bodies.

(b) For interpretive facilities.

(c) To protect sensitive riparian and wetland areas from the adverse impacts of at grade trails, including soil compaction, erosion potential and impedance of surface and groundwater movement.

iv. Trail width and surface materials shall be appropriate for the context with narrow soft surface trails in areas of high ecological sensitivity where the physical impacts of the trail and the number of users should be minimized with wider hard-surfaced trails with higher use located in less ecologically sensitive areas.

e. *Parking:*

i. When Allowed: Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to serve an authorized primary use.

ii. Public Parking:

(a) In order to encourage public use of the shoreline, public parking is to be provided at frequent locations on public streets, at shoreline viewpoints, and at trailheads.

(b) Public parking facilities shall be located as far as feasible from the shoreline unless parking areas close to the water are essential to serve approved recreation and public access. In general, only handicapped parking should be located near the land/water interface with most other parking located within walking distance and outside of vegetation conservation buffers provided in subsection F1 of this Section, Vegetation Conservation.

(c) Public parking facilities shall be designed and landscaped to minimize adverse impact upon the shoreline and adjacent lands and upon the water view.

iii. Private Parking:

(a) Private parking facilities should be located away from the shoreline unless parking areas close to the water are essential to serve approved uses and/or developments. When sited within shoreline jurisdiction, parking shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.

(b) Surface parking areas shall be located and designed to minimize visual impacts as viewed from the shoreline and from views of the shoreline from upland properties.

(c) Parking structures shall be located outside of shoreline vegetation conservation buffers and behind or within the first row of buildings between the water and the developed portions of a site and designed such that the frontage visible from the shoreline accommodates other uses and parked cars are not visible from that frontage.

(d) Parking lot design, landscaping and lighting shall be governed by the provisions of chapter 4-4 RMC and the provisions of the Shoreline Master Program.

f. Aviation:

i. Prohibited Near Natural or Urban Conservancy Areas: Aviation facilities are prohibited within two hundred feet (200') of a Natural or Urban Conservancy Shoreline Overlay District.

ii. Airports:

(a) A new airport shall not be allowed to locate within the shoreline; however, an airport already located within a shoreline shall be permitted.

(b) Upgrades of facilities to meet FAA requirements or improvements in technology shall be permitted.

(c) Facilities to serve seaplanes may be included as an accessory use in any existing airport.

(d) Helipads may be included as an accessory use in any existing airport.

(e) Aviation-related manufacturing shall be permitted in an airport.

(f) New or upgraded airport facilities shall be designed and operated such that:

(1) All facilities that are non-water-dependent shall be located outside of shoreline jurisdiction, if feasible. When sited within shoreline jurisdiction, uses and/or developments such as parking, hangars, service buildings or areas, access roads, utilities, signs, and storage of materials shall be located as far from the land/water interface as feasible. The minimum setback shall be twenty feet (20') from the OHWM of the shoreline and shall be designed and spaced to allow viewing of airport activities from the area along the water's edge.

(2) New or upgraded airport facilities shall minimize impacts on shoreline ecological functions, including control of pollutant discharge. The standards for water quality and criteria for application shall be those in current stormwater control regulations.

(3) New facilities dispensing fuel or facilities associated with use of hazardous materials shall require a Shoreline Conditional Use Permit.

iii. Seaplanes:

(a) Private:

(1) Operation of a single private seaplane on waters where FAA has designated a seaplane landing area is not regulated by the Shoreline Master Program.

(2) Moorage of a seaplane is addressed in subsection E7 of this Section, Piers and Docks.

(b) Commercial: New commercial seaplane facilities, including docks and storage area bases, may be allowed in industrial areas provided such bases are not contiguous to residential areas and provided they meet standards in subsection E7 of this Section, Piers and Docks.

iv. Helicopter Landing Facilities:

(a) Private: Establishment of a helipad on a single family residential lot is allowed subject to the standards of RMC 4-2-080A111. Conditions shall be imposed to mitigate impacts within the shoreline.

(b) Commercial: New commercial heliports, including those accessory to allowed uses, are allowed by Shoreline Conditional Use Permit, subject to the standards of the Shoreline Master Program.

v. New Seaplane Facilities and Heliports – Criteria for Approval:

(a) Review shall include consideration of location approval in terms of compatibility with affected uses including short- and long-term noise impacts, impacts on habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, and migration routes:

(1) On adjacent parcels; and

(2) On over-flight areas.

(b) Conditions shall be imposed to mitigate impacts within the shoreline and also non-shoreline over flight and related impacts.

11. Utilities:

a. Criteria for All Utilities:

i. Local utility services needed to serve water-dependent and other permitted uses in the shoreline are subject to standards for ecological protection and visual compatibility.

ii. Major utility systems shall be located outside of shoreline jurisdiction, to the extent feasible, except for elements that are water-dependent and crossings of water bodies and other elements of shorelands by linear facilities.

iii. New public or private utilities shall be located inland from the land/water interface, preferably out of shoreline jurisdiction, unless:

(a) Perpendicular water crossings are unavoidable; or

(b) Utilities are necessary for authorized shoreline uses consistent with the Shoreline Master Program.

iv. Linear facilities consisting of pipelines, cables and other facilities on land running roughly parallel to the shoreline shall be located as far from the water's edge as feasible and preferably outside of shoreline jurisdiction.

v. Linear facilities consisting of pipelines, sewers, cables and other facilities on aquatic lands running roughly parallel to the shoreline that may require periodic maintenance that would disrupt shoreline ecological functions shall be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

vi. Utilities shall be located in existing rights-of-way and corridors, whenever reasonably feasible.

vii. Local service utilities serving new development shall be located underground, wherever reasonably feasible.

viii. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if reasonably feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where reasonably feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to streambed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if reasonably feasible to avoid the need for excavation in the event of the need for maintenance or replacement.

ix. In areas where utility installations would be anticipated to significantly alter natural groundwater flows, a barrier or conduit to impede changes to natural flow characteristics shall be provided.

x. Excavated materials from construction of utilities shall be disposed of outside of the vegetation conservation buffer except if utilized for ecological restoration and shall be specified in submittal materials.

xi. Utilities shall be located and designed to avoid natural, historic, archaeological or cultural resources to the maximum extent feasible and mitigate adverse impacts where unavoidable.

xii. Utilities shall be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions with appropriate on- and off-site mitigation including compensatory mitigation.

xiii. All utility development shall be consistent with and coordinated with all local government and State planning, including comprehensive plans and single purpose plans to meet the needs of future populations in areas planned to accommodate growth.

xiv. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible. Utility right-of-way acquisition should be coordinated with transportation and recreation planning.

xv. Vegetation Conservation:

(a) Native vegetation shall be maintained whenever reasonably feasible.

(b) When utility projects are completed in the water or shoreland, the disturbed area shall be restored as nearly as possible to the original condition.

(c) All vegetation and screening shall be hardy enough to withstand the travel of service trucks and similar traffic in areas where such activity occurs.

xvi. A structure or other facility enclosing a telephone exchange, sewage pumping or other facility, an electrical substation, or other above ground public utility built in the shoreline area shall be:

(a) Housed in a building that shall conform architecturally with the surrounding buildings and area or with the type of building that will develop as provided by the zoning district and applicable design standards.

(b) An unhoused installation on the ground or a housed installation that does not conform with the standards above shall be sight-screened in accordance with RMC 4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier within five (5) years.

(c) An unhoused installation of a potentially hazardous nature, such as an electrical distribution substation, shall be enclosed with an eight (8) foot high open wire fence, or masonry wall. Such installations shall be sight-screened in accordance with RMC 4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier, except at entrance gate(s), within five (5) years.

b. Special Considerations for Pipelines:

i. Installation and operation of pipelines shall protect the natural conditions of adjacent water courses and shorelines.

ii. Water quality is not to be degraded to the detriment of aquatic life nor shall water quality standards be violated.

iii. Petro-chemical or toxic material pipelines shall have automatically controlled shutoff valves at each side of the water crossing.

iv. All petro-chemical or toxic material pipelines shall be constructed in accordance with the regulations of the Washington State Transportation Commission and subject to review by the City Public Works Department.

c. Major Utilities – Specifications:

i. Electrical Installations:

(a) Overhead High Voltage Power Lines:

(1) Overhead electrical transmission lines of fifty five (55) kV and greater voltage within the shoreline shall be relocated to a route outside of the shoreline, where feasible when:

- Such facilities are upgraded to a higher voltage.
- Additional lines are placed within the corridor.

(2) The support structures for new overhead power lines shall be designed to avoid or minimize impacts to shoreline areas.

(b) Underwater electrical transmission lines shall be located and designed to:

(1) Utilize existing transportation or utility corridors where feasible.

(2) Avoid adverse impacts to navigation.

(3) Be posted with warning signs.

(c) Electrical Distribution Substations: Electrical distribution substations shall be:

(1) Located outside of the shoreline, where feasible, and may be located within a shoreland location only when the applicant proves no other site out of the shoreland area exists.

(2) Located as far as feasible from the land/water interface.

(3) Screened as required by in the criteria for all utilities, above.

ii. Communications: This Section applies to telephone exchanges including radar transmission installations, receiving antennas for cable television and/or radio, wireless communication facilities and any other facility for the transmission of communication signals.

(a) Communications installations may be permitted in the shoreline area only when there exists no feasible site out of the shoreline and water area.

(b) All structures shall meet the screening requirements in the criteria for all utilities, above.

(c) If approved within the shoreline, such installations shall reduce aesthetic impacts by locations as far as possible from residential, recreational, and commercial activities.

(d) Cellular communication facilities may be located in the shoreline only when mounted on buildings and screened by architectural features compatible with the design of the building.

iii. Pipeline Utilities: All pipeline utilities shall be underground. When underground projects are completed on the bank of a water body or in the shoreland or a shoreline, the disturbed area shall be restored to the original configuration. Underground utility installations shall be permitted only when the finished installation shall not impair the appearance of such areas.

iv. Public Access: All utility companies shall be asked to provide pedestrian public access to utility owned shorelines when such areas are not potentially hazardous to the public. Where utility rights-of-way are located near recreational or public use areas, utility companies shall be encouraged to provide said rights-of-way as parking or other public use areas for the adjacent public use area. As a condition of location of new utilities within the shoreline, the City may require provision of pedestrian public access.

v. All-Inclusive Utility Corridor: When it is necessary for more than one major utility to go along the same general route, the common use of a single utility right-of-way is strongly encouraged. It would be desirable to include railroad lines within this right-of-way also.

d. Local Service Utilities, Specifications:

i. Electrical Distribution: New electrical distribution lines within the shoreline shall be placed underground; provided, that distribution lines that cross water or other critical areas may be allowed to be placed above ground if:

(a) There is no feasible alternative route.

(b) Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands; horizontal drilling or similar technology that does not disturb the surface is not feasible.

(c) Visual impacts are minimized to the extent feasible.

(d) If overhead facilities require that native trees and other vegetation cannot be maintained in a vegetation conservation buffer as provided in subsection F1 of this Section, Vegetation Conservation, compensatory mitigation shall be provided on- or off-site.

ii. Water Lines:

(a) New water lines shall not cross water, wetlands or other critical areas unless there is no reasonably feasible alternative route.

(b) Sizes and specifications shall be determined by the Public Works Department in accordance with American Water Works Association (AWWA) guidelines.

iii. Sanitary Sewer:

(a) The use of outhouses or privies is prohibited. Self-contained outhouses may be allowed for temporary, seasonal, or special events.

(b) All uses shall hook to the municipal sewer system. There shall be no septic tanks or other on-site sewage disposal systems.

(c) Sewage trunk lines, interceptors, pump stations, treatment plants, and other components that are not water-dependent shall be located away from shorelines unless:

(1) Alternative locations, including alternative technology, are demonstrated to be infeasible.

(2) The facilities do not result in a net loss of shoreline ecological functions.

(3) The facilities do not result in significant impacts to other shoreline resources and values such as parks and recreation facilities, public access and archaeological, historic, and cultural resources, and aesthetic resources.

(d) Storm drainage and pollutant drainage shall not enter the sanitary sewer system.

(e) During construction phases, commercial sanitary chemical toilets may be allowed only until proper plumbing facilities are completed.

(f) All sanitary sewer pipe sizes and materials shall be approved by the Public Works Department.

iv. Stormwater Management:

(a) The City will work with private property owners and other jurisdictions to maintain, enhance and restore natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation to contribute to the goal of no net loss of shoreline ecological functions.

(b) All new development shall meet current stormwater management requirements for detention and treatment.

(c) Individual single family residences may be subject to water quality management requirements to ensure the quality of adjacent water bodies.

(d) Stormwater ponds, basins and vaults shall be located as far from the water's edge as feasible and may not be located within vegetation conservation buffers.

(e) The location design and construction of stormwater outfalls shall limit impacts on receiving waters and comply with all appropriate local, State, and Federal requirements. Infiltration of stormwater shall be preferred, where reasonably feasible.

(f) Stormwater management may include a low impact development stormwater conveyance system in the vegetation buffer, if the system is designed to mimic the function and appearance of a natural shoreline system and complies with all other requirements and standards of subsection F1 of this Section, Vegetation Conservation.

v. Solid Waste Facilities:

(a) Facilities for processing, storage, and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.

(b) Disposal of solid waste on shorelines or in water bodies has the potential for severe adverse effects upon ecological functions, property values, public health, natural resources, and local aesthetic values and shall not be permitted.

(c) Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.

F. SHORELINE MODIFICATION:

1. Vegetation Conservation:

a. Standard Vegetation Conservation Buffer Width: Except as otherwise specified in ~~this Section~~the Shoreline Master Program, water bodies defined as shorelines shall have a minimum one hundred foot (100') vegetation management buffer measured from the OHWM of the regulated shoreline of the State. Where streams enter or exit pipes, the buffer shall be measured perpendicular to the OHWM from the end of the pipe along the open channel section of the stream.

b. Vegetation Conservation Buffer Widths by Reach: The Administrator ~~of the Department of Community and Economic Development or designee~~ may apply the following vegetation buffers provided for in Table 4-3-090F1I, Vegetation Conservation Standards by Reach, as an alternative to the standard vegetation conservation buffer for sites for development that implement water-oriented use and public access as provided in the table for each reach.

c. Alternative Vegetated Buffer Widths and Setbacks for Existing Single Family Lots:

i. Reserved. ~~i. Modified Requirements Based on Lot Depth: The Administrator of the Department of Community and Economic Development or designee shall apply the following vegetation buffers and building setbacks for existing single family residences and existing single family lots consisting of property under contiguous ownership without a variance. Lot depth shall be measured from the OHWM in a perpendicular direction to the edge of the contiguously owned parcel or to an easement containing existing physical improvements for road access for two (2) or more lots.~~

~~Lot Depth~~	~~Building Setback~~	~~Vegetated Buffer~~
~~Greater than 130 feet~~	~~45 feet~~	~~20 feet~~
~~100 feet, up to 130 feet~~	~~35 feet~~	~~15 feet~~
~~Less than 100 feet~~	~~25 feet~~	~~10 feet~~

ii. Setback Modifications for Site Improvements: Existing single family residences on existing single family lots subject to the building setback standards in subsection ~~F1ci of this Section may~~Table 4-3-090D7a may further reduce their building setback than stated in Table 4-3-090D7a by making one or more of the site improvements listed below~~. In no case shall~~, provided that the building setback shall not be reduced to less than ~~twenty~~ five feet

~~(25').~~from the minimum vegetated buffer. The reduced setback and site improvement shall be recorded in a covenant approved by the City Attorney. The site improvement shall be maintained by the property owner.

(a) The building setback shall be reduced by five feet (5') for every two hundred fifty (250) square feet of existing impervious surface removed. from lands within the building setback or minimum vegetated buffer or area lateral of primary structure.

(b) The building setback shall be reduced for properties that agree to ~~reduce~~limit future impervious coverage to a standard lower than the standard in subsection D7a of this Section, Shoreline Bulk Standards. The reductions shall be five feet (5') for every two hundred fifty (250) square feet of future impervious surface coverage that is limited, and recorded as a maximum impervious coverage standard (in percent), rounded down to the nearest whole number.

~~(c) Properties that replace~~ iii. For existing ~~rigid shoreline stabilization with preferred alternatives under subsection F4aiii of this Section, Shoreline Stabilization Alternatives Hierarchy, shall qualify for a setback reduction that correlates with the degree in improvement in ecological function and value that is expected to result from the change, as reported in a standard stream/lake study.~~

~~(d) Properties that propose projects to improve habitat functions and values shall qualify for a setback reduction that correlates with the degree in improvement in ecological function and value that is expected to result from the project, as reported in a standard stream/lake study.~~

~~iii. Modifications for Narrow Lots: For such~~ single family residential lots with a lot width of less than sixty feet (60'), ~~setbacks and~~ buffers may be reduced by ten percent (10~~%),~~%) but shall be no less than:

~~(a) Building setback: twenty five feet (25').~~

~~(b) Vegetated buffer:~~ fifteen feet (15'~~).~~)

~~iv. Other Setbacks May Be Reduced: Modification from the front and side yard standards may be granted administratively if needed to meet the established setback from the OHWM, as specified in this Section, and if standard variance criteria are met in RMC 4-9-250B, Variances.~~

d. Reduction of Vegetated Buffer or Setback Width:

i. Administrator ~~of the Department of Community and Economic Development or Designee~~ May Reduce: Based upon an applicant's request, the Administrator ~~of the Department of Community and Economic Development or designee~~ may approve a reduction in the standard ~~buffer widths/~~setbacks and/or buffer where the applicant can demonstrate compliance with criteria in the subsections below. Buffer enhancement shall be required where appropriate to site conditions, habitat sensitivity, and proposed land development characteristics.

ii. Water-Dependent Uses:

(a) Areas approved for water-dependent use or public access may be excluded from vegetated buffer if the approval is granted through review of a Substantial Development Permit, Conditional Use Permit, or variance; provided, that the area excluded is the minimum needed to provide for the water-dependent use or public access.

(b) Access to private docks through a vegetated buffer may be provided by a corridor up to six feet (6') wide.

iii. Vegetation Conservation Standard Table Applied: Vegetated buffers specified for areas enumerated in Table 4-3-090F1I, Vegetation Conservation Standards by Reach, shall be applied in accordance with those provisions.

iv. Buffer and Setback Reduction Standards: ~~Based~~Except for single-family residential uses in the High Intensity and Single-Family Environments, based upon an applicant's request, and the acceptance of a standard stream or lake study, the Administrator ~~of the Department of Community and Economic Development or designee~~ may approve a reduction in the standard setback and/or buffer widths~~/setbacks~~ by up to fifty percent (50%) if within the High Intensity Overlay or by up to twenty-~~-~~five percent (25%) in all other shoreline overlays ~~except when the buffer widths/setbacks are established by subsection F1c of this Section, Alternative Vegetated Buffer Widths and Setbacks for Existing Single Family Lots~~, where the applicant can demonstrate compliance with applicable criteria in the subsections below:

(a) The proposal ~~complies with either of~~will reduce non-native species to less than 5% and result in extensive native vegetation in the ~~following two (2) criteria:~~

~~(1) The~~remaining area of the ~~proposed~~ reduced~~-width~~ buffer~~ is already extensively vegetated with native species, including trees and shrubs, and has less than five percent (5%) non-native invasive species cover; or~~.

~~(2) The area of the proposed reduced-width buffer can be enhanced with native vegetation and removal of non-native species; and~~

(b) The proposed project, with width reduction, will result in no net loss of ecological functions as consistent with subsection D2a of this Section, No Net Loss of Ecological Functions; and

(c) Reduction of the ~~buffer/~~setback and/or buffer shall not create the need for rigid shoreline stabilization as described in subsections F4aiii(d) and (e) of this Section, Shoreline Stabilization Alternatives Hierarchy; and

(d) The reduction shall not create any significant unmitigated adverse impacts to other property in the vicinity.

(e) Review Procedures:

(1) Buffer reductions in the High Intensity Overlay shall be ~~approved by the Administrator of the Department of Community and Economic Development or designee~~processed as part of a Substantial Development Permit. Buffer reductions in all other shoreline overlays shall be processed through a Shoreline Conditional Use Permit, pursuant to RMC 4-9-190I, Variances and Conditional Uses.

(2) Written findings shall be ~~made~~required to demonstrate that the buffer reduction substantially implements the criteria of this Section.

v. Buffer Reductions for the Conversion on Nonconforming Uses: Based upon an applicant's request, and the acceptance of a supplemental stream or lake study, the Administrator ~~of the Department of Community and Economic Development or designee~~ may approve a reduction in the standard buffer in a case where an existing nonconforming site is not redeveloped and the proposal includes removal of existing over-water structures or removal or reconstruction of shoreline protection structures or other restoration of shorelines or buffer areas in a manner that meets the standards of the Shoreline Master Program, to a vegetated buffer a minimum ten feet (10') from existing buildings or impervious surface such as parking areas and driveways in current use to serve the nonconforming buildings or uses.

e. *Increased Buffer Widths:* Vegetated buffers may be increased by the Administrator ~~of the Department of Community and Economic Development or designee as required or allowed by~~if the criteria below are met.

i. Areas of High Blow-Down Potential: Where the stream/lake area is in an area of high blow-down potential as determined by a qualified professional, the buffer width may be expanded

up to an additional fifty feet (50') on the windward side, when determined appropriate to site circumstances and ecological function by the Administrator~~ of the Department of Community and Economic Development or designee~~.

ii. Buffers Falling Within Protected Slopes or Very High Landslide Areas: When the required stream/lake buffer falls within a protected slope or very high landslide hazard area or buffer, the stream/lake buffer width shall extend to the boundary of the protected slope or the very high landslide hazard buffer.

f. Averaging of Buffer Width:

i. Authority: Based upon an applicant's request, and the acceptance of a standard stream or lake study, the Administrator ~~of the Department of Community and Economic Development or designee~~ may approve buffer width averaging except where specific vegetation buffers in Table 4-3-090F1I, Vegetation Conservation Standards by Reach, are stated.

ii. Criteria for Approval: Buffer width averaging may be allowed only where the applicant demonstrates all of the following:

(a) The water body and associated riparian area contain variations in ecological sensitivity or there are existing physical improvements in or near the water body and associated riparian area;

(b) Buffer width averaging will result in no net loss of stream/lake/riparian ecological function;

(c) The total area contained within the buffer after averaging is no less than that contained within the required standard buffer width prior to averaging;

(d) In no instance shall the buffer width be reduced to less than fifty feet (50');

(e) The proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905, or where there is an absence of valid scientific information. The steps in RMC 4-9-250F shall be followed.

g. Buffer Enhancement: Buffer enhancement as a separate action may be proposed on any property and may be implemented without full compliance with the standards of this Section; provided, that the project includes a buffer enhancement plan using native vegetation and provides documentation that the enhanced buffer area will maintain or improve the functional attributes of the buffer. ~~Any change to existing nonconforming facilities or use on a site shall meet the provisions for nonconforming sites.~~

h. Exemption Criteria: As determined by the Administrator~~ of the Department of Community and Economic Development or designee~~, for development proposed on sites separated from the shoreline by intervening, and lawfully created, public roads, railroads, other off-site substantial existing improvements, or an intervening parcel under separate ownership, the requirements of this Code for a vegetation buffer may be waived. For the purposes of this Section, the intervening lots/parcels, roads, or other substantial improvements shall be found to:

i. Separate the subject upland property from the water body due to their height or width; and

ii. Substantially prevent or impair delivery of most ecological functions from the subject upland property to the water body.

i. Vegetation Management: Vegetation adjacent to water bodies in the shoreline shall be managed to provide the maximum ecological functions feasible, in accordance with these standards:

i. Streams and lakes with vegetation conservation buffer areas that are largely undisturbed native vegetation shall be retained except where the buffer is to be enhanced or where alteration is allowed in conformance with this Section for a specific development proposal.

ii. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a vegetation conservation buffer may be maintained in their existing condition including but not limited to mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this Code, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.

iii. Removal of noxious weeds and/or invasive species may be allowed without permit review in any vegetation conservation buffer area; provided, that removal consists of physical uprooting or chemical treatment of individual plants or shallow excavation of no more than one thousand (1,000) square feet of dense infestations.

~~i.~~iv. Removal or pruning of dangerous trees located in any vegetation conservation buffer area, as defined in Chapter 4-11 RMC, requires a routine vegetation management permit.

v. New development or redevelopment of nonconforming uses shall develop and implement a vegetation management plan that complies with the standards of this Code. Unless otherwise provided, a vegetation management plan shall preserve, enhance or establish native

vegetation within the specified vegetation buffer. If a low impact development stormwater system is proposed in accordance with subsection E11div(f) of this Section, it must be included in the vegetation management plan. When required, vegetation management plans shall be prepared by a qualified professional; provided, that the Administrator ~~of the Department of Community and Economic Development or designee~~ may establish prescriptive standards for vegetation conservation and management as an alternative to requiring a specific plan for a development. Vegetation management plans shall describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent to a dense native vegetation community to the extent possible. Required vegetation shall be maintained over the life of the use and/or development. For private development a conservation easement or similar recorded legal restriction shall be recorded to ensure preservation of the vegetation conservation and management area.

~~v~~vi. The Administrator ~~of the Department of Community and Economic Development or designee~~ may approve, in cases of redevelopment or alteration of existing single family residential lots, a vegetation management plan that does not include large native trees, if such trees would block more than thirty percent (30%) of existing water views allowed from the existing residence on a lot. Native vegetation consisting of groundcover, shrubs and small trees shall be provided to provide as many of the vegetation functions feasible. This provision shall not apply to new lots created by subdivision or other means.

j. Documentation:

i. Provisions of subsection F1 of this Section, Vegetation Conservation, as they pertain to existing single family residences and lots, determinations and evidence shall be included in the application file.

ii. For all development requiring a Shoreline Substantial Development Permit, findings and determinations regarding the application of increased or reduced buffer width shall be included as specific findings in the permit.

~~iii. For development not requiring a Shoreline Substantial Development Permit, approval of a reduced buffer width shall require review as a shoreline variance by the Hearing Examiner per RMC 4-9-190. The setback provisions of the zoning district for the use must also be met unless a variance to the zoning code is achieved.~~

k. Off-Site Vegetation Conservation Fund: The City shall provide a fund for off-site provision of areas for vegetation conservation. The Administrator ~~of the Department of Community and Economic Development or designee~~ shall assess charges to new development that has been granted a shoreline variance because the vegetation conservation buffer requirement under

subsection D7a of this Section, Shoreline Bulk Standards, or as modified under subsection F1 of this Section, Vegetation Conservation, cannot be met on-site. The Administrator ~~of the Department of Community and Economic Development or designee~~ shall also assess charges to existing development subject to major alteration in which on-site shoreline stabilization mitigation, if required, is infeasible according to RMC 4-10-095F, Partial and Full Compliance, Alteration of an Existing Structure or Site. Credit shall be given for areas of vegetation buffer on the shoreline provided by development. Expenditures from such a fund for provision of areas where the functions of shoreline vegetation conservation would be provided shall be in accordance with the restoration plan or other watershed and aquatic habitat conservation plans and shall be spent within the WRIA in which the assessed property is located.

I. Vegetation Conservation Buffer Standards by Reach: The following table identifies the performance standards for maintenance and restoration of the vegetation conservation buffer and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.

Table 4-3-090F1I – Vegetation Conservation Standards by Reach

SHORELINE REACH	Vegetation Conservation Objectives
Lake Washington	
Lake Washington Reach A and B	This developed primarily single family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach C	If areas redevelop, the full one hundred foot (100') buffer of native vegetation shall be provided, except where water-dependent uses are located. Buffer averaging, pursuant to subsection F1f of this Section, may be used if consistent with a NOAA Natural Resources Damage Settlement and approved by the U.S. EPA and the National Marine Fisheries Service.
Lake Washington Reach D and E	This developed primarily single family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach F	Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with opportunities to provide public visual and physical access to the shoreline. The City may fund shoreline enhancement through fees paid for off-site mitigation from development elsewhere on Lake Washington.
Lake Washington Reach G	Enhancement of native riparian vegetation shall be implemented as part of park management, while recognizing that this portion of the park is oriented primarily to opportunities to provide public visual and physical access to the shoreline including over-water structures, supporting concessions, boat launch and public beach facilities.

Table 4-3-090F1l – Vegetation Conservation Standards by Reach

SHORELINE REACH	Vegetation Conservation Objectives
Lake Washington Reach H	Buffers for vegetation management are not required in this reach. This site has an approved Master Site Plan that includes significant public access. Opportunities for public access along the waterfront and the development of water-oriented uses are the designated priorities for this reach.
Lake Washington Reach I	The area of vegetation on public aquatic lands should be enhanced in the short term. Upon redevelopment, vegetation buffers shall be extended into the site adjacent to vegetated areas along the shoreline. Vegetation restoration shall be balanced with public access and water-oriented use on the balance of the site. Public access shall not impact any restored lands on this site.
Lake Washington Reach J	Enhanced riparian vegetation shall be provided in a manner consistent with maintaining aviation safety as part of airport management.
Lake Washington Reach K	Redevelopment of multi-family sites shall provide vegetation buffers at the full standard, with possible employment of provisions for averaging or reduction. Single family development in this reach provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
May Creek	
May Creek A	This developed as a residential area and opportunities to limit impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together shoreline protection incorporating vegetation.
May Creek ~~A and~~ B	Full standard native vegetation buffers shall be provided with development of this property~~.~~
May Creek C and D	Full standard native vegetation buffers shall be provided on this reach with existing private lots, subject to buffer standards related to lot depth, together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Cedar River	
Cedar River A	Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with needs of flood control levees and opportunities to provide public visual and physical access to the shoreline.
Cedar River B	Enhancement of native riparian vegetation shall be implemented as part of flood control management programs that may be integrated with opportunities to provide public visual and physical access to the shoreline. Vegetation management and public access should be addressed in a comprehensive management plan prior to issuance of shoreline permits for additional flood management activities. This developed single family area shall implement vegetation management based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation as provided for alteration of nonconforming uses, structures, and sites.

Table 4-3-090F1l – Vegetation Conservation Standards by Reach

SHORELINE REACH	Vegetation Conservation Objectives
Cedar River C	Enhancement of native riparian vegetation shall be implemented as part of management of public parks. Full standard native vegetation buffers should be maintained on the public open space on the south side of the river, subject to existing trail corridors and other provisions for public access. Enhancement of native riparian vegetation within the standard or modified buffers shall be provided upon redevelopment of the north shore, except in areas where public/community access is provided. The vegetation conservation buffer may be designed to incorporate floodplain management features including floodplain compensatory storage.
Cedar River D	Full standard native vegetation buffers shall be provided on this reach with existing private lots subject to buffer standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Green River	
Green River Reach A	Full standard native vegetation buffers shall be provided with redevelopment of this property in this reach, balanced with provisions for public access. Vegetation conservation within railroad rights-of-way shall not be required within areas necessary for railway operation. Vegetation preservation and enhancement should be encouraged in areas of railroad right-of-way not devoted to transportation uses. Expansion of railroad facilities may require specific vegetation preservation and enhancement programs, consistent with the standards of the Shoreline Master Program.
Black River/Springbrook Creek	
Black River/Springbrook A	Public open space that exceeds buffer standards should be maintained and native vegetation enhanced. Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.
Springbrook B	Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.
Springbrook C and D	Vegetation enhancement should be implemented within the drainage district channels in conjunction with management plans including adjustments to channel dimensions to assure continued flood capacity with the additional hydraulic roughness provided by vegetation. Full standard vegetated buffers should be provided upon redevelopment of adjacent land presuming revegetation of the stream channel. Vegetation management should retain a continuous trail system that may be relocated further from the stream edge.
Lake Desire	
Lake Desire	This developed primarily single family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts should be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation. Shoreline vegetation enhancement should take place at the WDFW boat launching site balancing values of riparian vegetation with public access. Existing shoreline vegetation in the publicly owned natural areas should be preserved with some

Table 4-3-090F1l – Vegetation Conservation Standards by Reach

SHORELINE REACH	Vegetation Conservation Objectives
	accommodation for interpretive access to the water as a part of park management plans, subject to the primary objective of protecting ecological functions.

2. Landfill and Excavation:

a. General Provisions: Landfill and excavation shall only be permitted in conjunction with an approved use or development and allowed with assurance of no net loss of shoreline ecological functions. Excavation below the OHWM is considered "dredging" and is addressed in a separate section.

b. Criteria for Allowing Landfills and Excavations Below Ordinary High Water Mark: Landfills and excavations shall generally be prohibited below the OHWM, except for the following activities, and in conjunction with documentation of no net loss of ecological functions as documented in appropriate technical studies:

i. Beach or aquatic substrate replenishment in conjunction with an approved ecological restoration activity;

ii. Replenishing sand on public and private community beaches;

iii. Alteration, maintenance and/or repair of existing transportation facilities and utilities currently located within shoreline jurisdiction, when alternatives or less impacting approaches are not feasible;

iv. Construction of facilities for public water-dependent uses or public access; when alternatives or less impacting approaches are not feasible; and provided, that filling and/or excavation are limited to the minimum needed to accommodate the facility;

v. Activities incidental to the construction or repair of approved shoreline protection facilities, or the repair of existing shoreline protection facilities;

vi. Approved flood control projects;

vii. In conjunction with a stream restoration program including vegetation restoration; and

viii. Activities that are part of a remedial action plan approved by the Department of Ecology pursuant to the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or otherwise authorized by the Department of

Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed fill for compliance with the policies and standards of the Shoreline Master Program.

c. Review Standards: All landfills and excavations shall be evaluated in terms of all of the following standards:

i. The overall value to the public of the results of the fill or excavation site as opposed to the value of the shoreline in its existing state as well as evaluation of alternatives to fill that would achieve some or all of the objectives of the proposal.

ii. Effects on ecological functions including, but not limited to, functions of the substrate of streams and lakes and effects on aquatic organisms, including the food chain, effects on vegetation functions, effects on local currents and erosion and deposition patterns, effects on surface and subsurface drainage, and effects on flood waters.

iii. Whether shoreline stabilization will be necessary to protect materials placed or removed and whether such stabilization meets the policies and standards of the Shoreline Master Program.

iv. Whether the landfill or excavation will adversely alter the normal flow of flood water, including obstructions of flood overflow channels or swales, after taking into account any compensating flood storage provided by the proposal.

v. Whether public or tribal rights to the use and enjoyment of the shoreline and its resources and amenities are impaired.

d. Performance Standards: Performance standards for fill and excavation include:

i. Disturbed areas shall be immediately stabilized and revegetated to avoid or minimize erosion and sedimentation impacts, both during initial work and over time. Natural and self-sustaining control methods are preferred over structures.

ii. Landfills and excavation shall be designed to blend physically and visually with existing topography.

e. Shoreline Conditional Use Required: All fill and excavation waterward of the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

3. Dredging:

a. General: Dredging and dredge material disposal, when permitted, shall be done in a manner which avoids or minimizes significant ecological impacts. Impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

b. Dredging Limited: Dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and is limited to the following:

i. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

ii. For flood control purposes, when part of a publicly adopted flood control plan.

iii. For restoration or enhancement of shoreline ecological functions benefiting water quality and/or fish and wildlife habitat and approved by applicable local, State and Federal agencies.

iv. For development of approved water-dependent uses provided there are no feasible alternatives.

v. Dredging may be permitted where necessary for the development and maintenance of public shoreline parks and of private shorelines to which the public is provided access. Dredging may be permitted where additional public access is provided.

vi. Maintenance dredging for access to existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences; provided, that dredging shall be limited to maintaining the previously dredged and/or existing authorized location, depth, and width. Dredging shall be disallowed to maintain depths of existing private moorage where it results in a net loss of ecological functions.

vii. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:

(a) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.

(b) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

(c) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

viii. Dredging is performed pursuant to a remedial action plan approved under authority of the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed materials for compliance with the policies and standards of the Shoreline Master Program.

ix. Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life or recreational areas.

c. *Dredging Prohibited:* Dredging shall be prohibited in the following cases:

i. Dredging shall not be performed within the deltas of the Cedar River and May Creek except for purposes of ecological restoration, for public flood control projects, for water-dependent public facilities, or for limited maintenance dredging in conformance with this Section.

ii. Dredging is prohibited solely for the purpose of obtaining fill or construction material. Dredging which is not directly related to those purposes permitted in subsection F3b of this Section is prohibited.

iii. Dredging for new moorage is prohibited.

iv. Dredging may not be performed to maintain facilities established for water-dependent uses in cases where the primary use is discontinued unless the facility meets all standards for a new water-dependent use.

v. Dredging of public aquatic lands is prohibited unless approval is granted from the Washington State Department of Natural Resources.

d. Review Criteria:

i. New development, including the development of associate piers and docks, should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Where alternatives such as the utilization of shallow access to mooring buoys is feasible, such measures shall be used.

ii. All proposed dredging operations shall be designed by an appropriate State-licensed professional engineer. A stamped engineering report and an assessment of potential impacts

on ecological functions shall be prepared by qualified consultants and shall be submitted to the Renton Planning Division as part of the application for a shoreline permit.

iii. The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation.

iv. The responsibility rests solely with the applicant to demonstrate that:

(a) There will be no net loss of ecological functions including but not limited to adverse effect on aquatic species including fish migration.

(b) There will be no adverse impact on recreational areas or public recreation enjoyment of the water.

v. Adjacent Bank Protection:

(a) When dredging bottom material of a body of water, the banks shall not be disturbed unless absolutely necessary. The responsibility rests with the applicant to propose and carry out practices to protect the banks.

(b) If it is absolutely necessary to disturb the adjacent banks for access to the dredging area, the responsibility rests with the applicant to propose and carry out a method of restoration of the disturbed area to a condition minimizing erosion and siltation.

vi. Avoidance of Adverse Effects: The responsibility rests with the applicant to demonstrate the proposed dredging will avoid conditions that may adversely affect adjacent properties including:

(a) Creating a nuisance to the public or nearby activity.

(b) Damaging property in or near the area.

(c) Causing substantial adverse effect to plant, animal, aquatic or human life in or near the area.

(d) Endangering public safety in or near the area.

vii. The applicant shall demonstrate control of contamination and pollution to water, air, and ground through specific operation and mitigation plans.

viii. Disposal of Dredge Material: The applicant shall demonstrate that the disposal of dredged material will not result in net loss of ecological functions or adverse impacts to properties adjacent to the disposal site.

(a) The applicant shall provide plans for the location and method of disposing of all dredged material.

(b) Dredged material shall not be deposited in a lake, stream, or marine water except if approved as habitat enhancement or other beneficial environmental mitigation as part of ecological restoration, a contamination remediation project approved by appropriate State and/or Federal agencies, or is approved in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water-disposal of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife hydraulic project approval.

(c) In no instance shall dredged material be stockpiled in a shoreland area that would result in the clearing of native vegetation. Temporary stockpiling of dredged material is limited to one hundred eighty (180) days.

(d) If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that complies with all regulatory requirements.

(e) Permanent land disposal shall demonstrate that:

(1) Shoreline ecological functions will be preserved, including protection of surface water and groundwater.

(2) Erosion, sedimentation, flood waters or runoff will not increase adverse impacts to shoreline ecological functions or property.

(3) Sites will be adequately screened from view of local residents or passersby on public rights-of-way.

(4) The site is not located within a channel migration zone.

e. Shoreline Conditional Use Required: Dredging shall require a shoreline conditional use unless associated with existing water-dependent uses, habitat enhancement, a remedial action plan

approved under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Model Toxics Control Act, or public recreation facilities or uses.

4. Shoreline Stabilization:

a. General Criteria for New or Expanded Shoreline Stabilization Structures:

i. Avoidance of Need for Stabilization: The need for future shoreline stabilization should be avoided to the extent feasible for new development. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

ii. Significant Impact to Other Properties Prohibited: The need for shoreline stabilization shall be considered in the determination of whether to approve new water-dependent uses. Development of new water-dependent uses that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

iii. Shoreline Stabilization Alternatives Hierarchy: Structural shoreline stabilization measures should be used only when more natural, flexible, nonstructural methods such as vegetative stabilization, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:

(a) No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

(b) Flexible defense works constructed of natural materials including measures such as soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.

(c) Flexible defense works, as described above, with rigid works, as described below, constructed as a protective measure at the buffer line.

(d) A combination of rigid works, as described below, and flexible defense works, as described above.

(e) Rigid works constructed of artificial materials such as riprap or concrete.

iv. Limited New Shoreline Stabilization Allowed: New structural stabilization measures shall not be allowed except when necessity is demonstrated in one of the following situations:

(a) To protect existing primary structures:

(1) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents, or waves within three (3) years, or where waiting until the need is immediate would prevent the opportunity to use measures that avoid impacts on ecological functions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization if on-site drainage is a cause of shoreline instability at the site in question.

(2) The shoreline stabilization is evaluated by the hierarchy in subsection F4aiii of this Section.

(3) The shoreline stabilization structure will not result in a net loss of shoreline ecological functions.

(4) Measures to reduce shoreline erosion in a channel migration zone (CMZ) require a geomorphic assessment by a Washington-licensed geologist with engineering geology or hydrogeology specialty license plus experience in conducting fluvial geomorphic assessments. Erosion control measures are only allowed if it is demonstrated that: the erosion rate exceeds that which would normally occur in a natural condition; the measure does not interfere with fluvial hydrological and geomorphologic processes normally acting in natural conditions; and the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.

(b) New Development: In support of new development when all six (6) of the conditions listed below apply and are documented by a geotechnical analysis:

(1) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

(2) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(3) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents and waves.

(4) The shoreline stabilization structure is evaluated by the hierarchy in subsection F4aiii of this Section.

(5) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(6) The proposed new development is not located in a channel migration zone (CMZ).

(c) Restoration and Remediation Projects: To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when both of the conditions below apply and are documented by a geotechnical analysis:

(1) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(2) The shoreline stabilization structure is evaluated by the hierarchy in subsection F4aiii of this Section.

(d) Protect Navigability: To protect the navigability of a designated harbor area when necessity is demonstrated in the following manner by a geotechnical report:

(1) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(2) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(3) The shoreline stabilization structure is evaluated by the hierarchy in subsection F4aiii of this Section.

v. Content of Geotechnical Report: Geotechnical analysis pursuant to this Section that addresses the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report

on the urgency associated with the specific situation. The geotechnical analysis shall evaluate the need and effectiveness of both hard and soft armoring solutions in preventing potential damage to a primary structure. Consideration should be given to permit requirements of other agencies with jurisdiction.

vi. Stream Bank Protection Required: New or expanded shoreline stabilization on streams should assure that such structures do not unduly interfere with natural stream processes. The Administrator ~~of the Department of Community and Economic Development or designee~~ shall review the proposed design for consistency with State guidelines for stream bank protection as it relates to local physical conditions and meet all applicable criteria of the Shoreline Master Program, subject to the following:

(a) A geotechnical analysis of stream geomorphology both upstream and downstream shall be performed to assess the physical character and hydraulic energy potential of the specific stream reach and adjacent reaches upstream or down, and assure that the physical integrity of the stream corridor is maintained, that stream processes are not adversely affected, and that the revetment will not cause significant damage to other properties or valuable shoreline resources.

(b) Revetments or similar hard structures are prohibited on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.

(c) Revetments or similar hard structures shall be placed landward of associated wetlands unless it can be demonstrated that placement waterward of such features would not adversely affect ecological functions.

(d) Revetments or similar structures shall not be developed on the inside bend of channel banks in a stream except to protect public works, railways and existing structures.

(e) Revetments shall be designed in accordance with WDFW stream bank protection guidelines.

(f) Groins, weirs and other in-water structures may be authorized only by Shoreline Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. A geotechnical analysis of stream geomorphology both upstream and downstream shall document that alternatives to in-water structures are not feasible. Documentation shall establish impacts on ecological functions that must be mitigated to achieve no net loss.

b. Design Criteria for New or Expanded Shoreline Stabilization Structures: When any structural shoreline stabilization measures are demonstrated to be necessary, the following design criteria shall apply:

i. Professional Design Required: Shoreline stabilization measures shall be designed by a qualified professional. Certification by the design professional may be required to ensure that installation meets all design parameters.

ii. General Requirements: The size of stabilization measures shall be limited to the minimum necessary. Use measures shall be designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses or to meet resource agency permitting conditions.

iii. Restriction of Public Access Prohibited: Publicly financed or subsidized shoreline erosion control measures shall be ensured to not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, ecological restoration and public access improvements shall be incorporated into the project.

iv. Restriction of Navigation Prohibited: Shoreline stabilization should not be permitted to unnecessarily interfere with public access to public shorelines, nor with other appropriate shoreline uses including, but not limited to, navigation, public or private recreation and Indian treaty rights.

v. Aesthetic Qualities to Be Maintained: Where possible, shoreline stabilization measures shall be designed so as not to detract from the aesthetic qualities of the shoreline.

vi. Public Access to Be Incorporated: Required restoration and/or public access should be incorporated into the location, design and maintenance of shoreline stabilization structures for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.

c. Existing Shoreline Stabilization Structures: Existing shoreline stabilization structures not in compliance with this Code may be retained, repaired, or replaced if they meet the applicable criteria below:

i. Repair of Existing Structures: An existing shoreline stabilization structure may be repaired as long as it serves to perform a shoreline stabilization function for a legally established land use,

but shall be subject to the provisions below if the land use for which the shoreline stabilization structure was constructed is abandoned per RMC 4-10-060, Nonconforming Uses, or changed to a new use.

ii. Additions to Existing Structures: Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

iii. Changes in Land Use: An existing shoreline stabilization structure established to serve a use that has been abandoned per RMC 4-10-060, Nonconforming Uses, discontinued, or changed to a new use may be retained or replaced with a similar structure if:

(a) There is a demonstrated need documented by a geotechnical analysis to protect principal uses or structures from erosion caused by currents or waves; and

(b) An evaluation of the existing shoreline stabilization structure in relation to the hierarchy of shoreline stabilization alternatives established in subsection F4aiii of this Section shows that a more preferred level of shoreline stabilization is infeasible. In the case of an existing shoreline stabilization structure composed of rigid materials, if alternatives (a) through (c) of the hierarchy in subsection F4aiii of this Section would be infeasible then the existing shoreline stabilization structures could be retained or replaced with a similar structure.

iv. Waterward Replacement Prohibited for Structures Protecting Residences: Replacement walls or bulkheads, if allowed, shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

v. Restoration and Maintenance of Soft Shorelines Allowed: Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. Replenishment of substrate materials to maintain the specifications of the permitted design may be allowed as maintenance.

vi. No Net Loss: Where a net loss of ecological functions associated with critical habitats would occur by leaving an existing structure that is being replaced, the structure shall be removed as part of the replacement measure.

5. Flood Control:

a. Permitted Flood Control Projects: Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:

i. They are necessary to protect health, safety and/or existing development;

ii. Nonstructural flood hazard reduction measures are infeasible; and

iii. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

b. Prohibited Flood Control Projects: New or expanding development or uses in the shoreline, including subdivision of land, that would likely require new structural flood control works within a stream, channel migration zone, or floodway shall not be allowed.

c. Long-Term Compatibility: New or expanded flood control works and in-stream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long term, especially in shorelines of Statewide significance.

d. Criteria for Allowing Flood Control Projects: New flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where nonstructural flood hazard reduction measures are infeasible.

e. Native Vegetation: Flood control works should incorporate native vegetation to the extent feasible to enhance ecological functions, create a more natural appearance, improve ecological functions, and provide more flexibility for long-term shoreline management.

f. Consideration of Alternatives: To minimize flood damages and to maintain natural resources associated with streams, overflow corridors and other alternatives to traditional bank levees, revetments and/or dams shall be considered. Setback levees and similar measures should be employed where they will result in lower flood peaks and velocities, and more effective conservation of resources than with high bank levees. On Cedar River Reach D, setting back existing levees to provide for enhanced natural stream processes may be pursued when adequate provisions are made for protecting existing public and private uses.

g. Public Access Required: Flood control works shall provide access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, flood control works should not decrease public access or use potential of shorelines.

6. Stream Alteration:

a. Definition of Stream Alteration: Stream alteration is the relocation or change in the flow of a river, stream or creek.

b. Alterations to Be Minimized: Stream alteration shall be minimized, and when allowed should change natural stream processes as little as possible.

c. Allowed if No Feasible Alternative: Unless otherwise prohibited by subsection E10 of this Section, Transportation, and subsection E11 of this Section, Utilities, stream alteration may be allowed for transportation and utility crossings and in-stream structures only where there is no feasible alternative.

d. Allowed for Flood Hazard Reduction: Stream alteration may be permitted if it is part of a public flood hazard reduction program or a habitat enhancement project approved by appropriate State and/or Federal agencies.

e. Prohibited Alterations: Stream alteration solely for the purpose of enlarging the developable portion of a parcel of land or increasing the economic potential of a parcel of land is prohibited.

f. Detriment to Adjacent Parcels Prohibited: Stream alteration is prohibited if it would be significantly detrimental to adjacent parcels.

g. Applicant's Responsibility: The applicant has the sole responsibility to demonstrate the necessity of the proposal and compliance with the criteria of the Shoreline Master Program.

h. Professional Design Required: All proposed stream alterations shall be designed by an appropriately State-licensed professional engineer. The design shall be submitted with a supplemental lake/stream study to the Planning Division as part of the application.

i. Impacts to Aquatic Life to Be Minimized: The design, timing and the methods employed will have minimal adverse effects on aquatic life, including minimizing erosion, sedimentation and other pollution during and after construction.

j. Flow Levels to Be Maintained: The project must be designed so that the low flow is maintained and fish escapement is provided for.

k. Conditional Use Required in a Channel Migration Zone (CMZ): Stream alterations within a channel migration zone require a Shoreline Conditional Use Permit. ~~(Ord. 5633, 10-24-2011)~~

4-4-130 Tree Retention and Land Clearing Regulations

C. ALLOWED TREE REMOVAL ACTIVITIES:

Tree removal and associated use of mechanical equipment is permitted as follows, except as provided in subsection D3 of this Section, Restrictions for Critical Areas – General, and in RMC 4-3-110E5b, Urban Separator Overlay Regulations. Except as stated in subsection C9 of this Section, no Routine Vegetation Management Permit is required for the following activities/work:

1. Emergency Situations: Removal of trees and/or ground cover by the City and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.

2. Dangerous Trees: Removal of a dangerous tree, as defined in RMC 4-11-200, Definitions T, that has been certified as such by a City approved, licensed landscape architect or certified arborist.

3. Maintenance Activities/Essential Tree Removal – Public or Private Utilities, Roads and Public Parks: Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way and easements, and public parks.

4. Installation of SEPA Exempt Public or Private Utilities: Installation of distribution lines by public and private utilities; provided, that such activities are categorically exempt from the provisions of the State Environmental Policy Act and RMC 4-9-070, Environmental Review Procedures.

5. Existing and Ongoing Agricultural Activities: Clearing associated with existing and ongoing agricultural activities as defined in RMC 4-11-010, Definitions A.

6. Commercial Nurseries or Tree Farms: Removal of only those trees which are planted and growing on the premises of a licensed retailer or wholesaler.

7. Public Road Expansion: Expansion of public roads, unless critical areas would be affected (refer to subsection C12 of this Section, Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements).

8. Site Investigative Work: Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work, provided the work is conducted in accordance with the following requirements:

a. Investigative work should not disturb any more than five percent (5%) of any protected sensitive area described in subsection D3 of this Section, Restrictions for Critical Areas – General, on the subject property. In every case, impacts shall be minimized and disturbed areas restored.

b. In every location where site investigative work is conducted, disturbed areas shall be minimized, and immediately restored.

c. A notice shall be posted on the site by the property owner or owner's agent indicating that site investigative work is being conducted, and that the work must minimize disturbance to the critical areas identified in subsection D3 of this Section, Restrictions for Critical Areas – General.

d. No site investigative work shall commence without first notifying the Community and Economic Development Administrator. (Ord. 5676, 12-3-2012)

9. Minor Tree Removal Activities: Except as provided in subsection D3 of this Section, Restrictions for Critical Areas – General, removal of trees and associated use of mechanical equipment is permitted at the rates specified within the table below, provided subsections C9a through e of this Section are satisfied. A Routine Vegetation Management Permit is required for removal of trees in excess of the rates listed below for all properties. A Routine Vegetation Management Permit is required for the removal of any trees within Shoreline Jurisdiction if the removal is not included in another land use permitting process.

Lot Size	**Maximum number of significant trees* allowed to be removed in any twelve (12) month period**	**Maximum number of significant trees* allowed to be removed in five (5) years**
Lots up to 10,000 sq. ft.	2	4
Lots 10,001 to 20,000 sq. ft.	3	6
Lots 20,001 sq. ft. or greater	6	12
*Except landmark trees (greater than a thirty inch (30") caliper) shall not be removed without a Routine Vegetation Management Permit. Within Shoreline Jurisdiction, tree removal shall occur outside of the buffer, except when necessary to remove dangerous trees or if part of an approved shoreline vegetation conservation buffer enhancement plan.		

a. There is not an active land development application for the site;

b. The trees proposed for removal are not protected trees;

c. The tree is not a landmark tree; and

d. Minimum Tree Density:

i. A minimum tree density shall be maintained on each residentially zoned lot, as specified in the table below. The tree density may consist of existing trees, replacement trees, trees required pursuant to RMC 4-4-070F1, Street Frontage Landscaping Required, or a

combination. If the number of trees required includes a fraction of a tree, any amount equal to or greater than one-half (1/2) shall be rounded up; and

Type of Residential Development	Minimum Tree Density
Multi-family development (attached dwellings)[3]	Four (4) significant trees[1]for every five thousand (5,000) sq. ft.
Single family development (detached dwellings)[2]	Two (2) significant trees[1]for every five thousand (5,000) sq. ft.
[1]Or the gross equivalent of caliper inches provided by one or more trees. [2]Lots developed with detached dwellings in the R-10 and R-14 zones are exempt. [3]Development in the RMF zone is exempt.	

ii. Property owners are responsible for maintaining these trees in a healthy condition. (Ord. 5841, 6-12-2017)

e. Rights-of-Way Unobstructed: In conducting minor tree removal activities, rights-of-way shall not be obstructed unless a right-of-way use permit is obtained.

10. Landscaping or Gardening Permitted: Land clearing in conformance with the provisions of subsection C9 of this Section, Minor Tree Removal Activities, and subsection D3 of this Section, Restrictions for Critical Areas – General, is permitted for purposes of landscaping or gardening; provided, that no mechanical equipment is used.

11. Operational Mining/Quarrying: Land clearing and tree removal associated with previously approved operational mining and quarrying activities.

12. Utilities, Traffic Control, Walkways, Bikeways within Existing, Improved Rights-of-Way or Easements: Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Restoration of disturbed areas shall be completed.

13. Land Development Permit Required: Tree removal authorized by a Land Development Permit.

D. PROHIBITED ACTIVITIES:

1. Tree Cutting in Advance of Issuance of Land Development Permit: There shall be no tree removal or land clearing on any site for the sake of preparing that site for future development unless a Land Development Permit, as defined in RMC 4-11-120, Definitions L, for the City approved site. (Ord. 5450, 3-2-2009)

2. Tree Cutting or Vegetation Management without Required Routine Vegetation Management Permit:

a. Tree cutting in excess of the limits established in subsection C9 of this Section, Minor Tree Removal Activities, is prohibited unless a Routine Vegetation Management Permit has been granted.

b. Routine vegetation management on an undeveloped property without a Routine Vegetation Management Permit is prohibited.

c. Use of non-exempt mechanical equipment (mechanical equipment with more than twenty seven (27) horsepower) without a Routine Vegetation Management Permit is prohibited.

3. Restrictions for Critical Areas – General: Unless exempted by critical areas, RMC 4-3-050C5 or Shoreline Master Program Regulations, RMC 4-3-090, no tree removal, or land clearing, or ground cover management is permitted:

a. On portions of property with:

i. Critical habitats, pursuant to RMC 4-3-050K, Habitat Conservation;

ii. Streams and lakes, pursuant to RMC 4-3-050L, Streams and Lakes;

iii. Buffers associated with Shorelines of the State, pursuant to RMC 4-3-090, Shoreline Master Program ~~Regulationsvegetation~~Regulations. Allowed tree removal and vegetation management ~~; and~~activities within the Shoreline buffer can be found in section 4-3-090F.1.i Vegetation Management; and

iv. Wetlands and wetland buffers, pursuant to RMC 4-3-050M, Wetlands;

b. On protected slopes except as allowed in this Section or in the Critical Areas Regulations, RMC 4-3-050; or

c. Areas classified as very high landslide hazards, except as allowed in this Section or in the Critical Areas Regulations, RMC 4-3-050.

4. Restrictions for Native Growth Protection Areas: Tree removal or land clearing shall not be permitted within a native growth protection area except as provided in RMC 4-3-050E4, Native Growth Protection Areas. (Ord. 5650, 12-12-2011)

5. Tree Topping: Tree topping shall be prohibited unless the City has approved the tree for removal.

6. Removal of Landmark Tree: The removal of a landmark tree (a tree with a caliper of thirty inches (30") or greater) is prohibited without an approved Routine Vegetation Management Permit or a Land Development Permit.

4-9-070 Environmental Review Procedures

A. PURPOSE:

This chapter contains procedures that implement the requirements of the State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, as amended, and the SEPA rules adopted by the state of Washington, Department of Ecology. It is intended that this chapter establishes compliance with SEPA and the SEPA rules and that compliance with the requirements of this code shall constitute procedural and substantive compliance. The chapter provides for a citywide approach and, to the fullest extent possible, the City will utilize a systematic, interdisciplinary approach which seeks to ensure the integrated use of the natural and social sciences. The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. The policies and goals set forth in this Section are supplementary to those set forth in existing authorizations of the State and City.

B. AUTHORITY:

The City of Renton adopts this Section under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. The City of Renton possesses the authority to deny or condition actions in order to mitigate or prevent probable significant adverse environmental impacts. This authority applies to all City activities including actions as defined in this Section.

C. GENERAL STATE REQUIREMENTS:

The City of Renton adopts as its own the policies and objectives of the State Environmental Policy Act of 1971, as amended (chapter 43.21C RCW). The City of Renton adopts the following sections of chapter 197-11 WAC by reference:

WAC

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

D. SEPA RESPONSIBLE OFFICIAL:

For those proposals for which the City is the lead agency, the responsible official shall be the Environmental Review Committee.

1. Committee Officials: The Environmental Review Committee shall consist of three (3) officials designated by the Mayor with concurrence by the City Council.

2. Committee Authority and Responsibility:

a. The Environmental Review Committee shall make the threshold determination, supervise scoping and preparations of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules adopted by reference in WAC 173-806-020.

b. The Environmental Review Committee shall supervise compliance with the threshold determination and, if an EIS is necessary, shall supervise preparation of the draft and final EIS.

c. The Environmental Review Committee is authorized to develop operating procedures that will ensure responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City. They may also develop further administrative and procedural guidelines for the administration by the responsible official of the provisions of this Chapter.

d. The Environmental Review Committee, or its designee, shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a draft EIS and City compliance with WAC 197-11-550 whenever the City is a consulted agency.

E. OTHER AUTHORITY:

1. Hydraulic Projects:

For those proposals requiring a hydraulic project approval under RCW 75.20.100, the State Department of Fish and Wildlife shall be considered an agency with jurisdiction.

2. Successor Agency:

If a specific agency has been named in these rules, and the functions of that agency have changed or been transferred to another agency, the term shall mean any successor agency.

F. LEAD AGENCY AUTHORITY:

The City adopts the following sections by reference, as supplemented by WAC 173-806-050 and 173-806-053 and this part:

WAC

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

1. Determination of Lead Agency: The department within the City receiving an application for or initiating a proposal that involves a nonexempt action shall determine when the City is the lead agency for that proposal under WAC 197-11-050 and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

2. Lead Agency Agreements: The Environmental Review Committee is authorized to make agreements as to the lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the Environmental Review Committee and any department that will incur responsibilities as the result of such agreement approved the agreement.

3. Other Agency as Lead: When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the determination of nonsignificance (DNS) or the final environmental impact statement (EIS) of the lead agency in making decisions on the proposal. The Environmental Review Committee shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the City may conduct supplemental environmental review under WAC 197-11-600.

4. City Objections: If the City or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination, or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the

fifteen (15) day time period. Any such petition on behalf of the City may be initiated by the Environmental Review Committee.

G. CATEGORICAL EXEMPTIONS:

The City adopts the following sections by reference, as supplemental in this part: WAC 197-11-300, Purpose of this part; and 197-11-305, Categorical exemptions. The City adopts by reference the following rules for categorical exemptions, as supplemented in this Section, including WAC 173-806-070 (Flexible thresholds), 173-806-080 (Use of exemptions), and 173-806-190 (Critical areas):

WAC

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

1. Local Modifications: Under the authority established by WAC 197-11-800(1)(c), the City of Renton establishes the following exempt levels for minor new construction based on local conditions, replacing the exempt levels of WAC 197-11-800(1)(b)(i) and (v). Whenever the City establishes new exempt levels under this Section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).

a. For residential dwelling units in WAC 197-11-800(1)(b)(i): nine (9) or less dwelling units.

b. For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to five hundred (500) cubic yards or less.

2. Exemption Decision: Each department within the City that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this Section apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

3. Proposal Description: In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060).

4. Review Criteria: A department which is determining whether or not a proposal is exempt shall ascertain the total scope of the proposal and the governmental licenses required. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is not exempt. For any such proposal, the lead agency shall be determined, even if the license application which triggers the department's consideration is otherwise exempt. If the

lead agency is the City, then the responsible official shall be designated as defined in subsection D of this Section.

5. Exempt and Nonexempt Actions: If a proposal includes both exempt and nonexempt actions, exempt actions may be authorized with respect to the proposal prior to the compliance with the procedural requirements of these guidelines except that:

a. The City shall not give authorization for:

i. Any nonexempt action;

ii. Any action that would have an adverse environmental impact;

iii. Any action that would limit the choice of alternatives; or

iv. Any action that will irrevocably commit the City to approve or authorize a major action.

b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and a department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

6. Timing: Identification of categorical exempt actions shall occur within ten (10) days of submission of an adequate and complete application.

7. Effect of Exemption: If a proposal is exempt, none of the procedural requirements of this Section apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

H. CRITICAL AREAS/INAPPLICABLE EXEMPTIONS:

1. Critical Areas Maps: The map(s) in RMC 4-3-050Q identify critical areas. The maps in RMC 4-3-090 identify regulated Shorelines of the State. The specific environmentally critical areas where SEPA exemptions are not applicable are identified in subsection H3 of this Section.

2. Critical Areas Designated: Wetlands, Protected Slopes, Very High Landslide Hazard Areas, Class 2 to 4 Streams and Lakes, Shorelines of the State designated as Aquatic, Natural, or Urban Conservancy~~, or Shorelines of the State designated Urban if also meeting the requirement of subsection H3a or H3c of this Section~~ , and the one hundred (100) year floodway, as mapped and identified pursuant to subsection H1 of this Section, or when present according to the critical area classification criteria of RMC 4-3-050,

are designated as environmentally critical areas pursuant to the State Environmental Policy Act, WAC 197-11-908.

3. Inapplicable Exemptions:

a. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. Unidentified exemptions shall continue to apply within environmentally critical areas of the City.

b. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for that area are:

WAC 197-11-800(1), except for the construction of one new single family residence on an existing legal lot, provided the proposed development complies with RMC 4-3-050 and 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or 4-3-090.

WAC 197-11-800(2)(d, e, f, g)

WAC 197-11-800(6)(a)

WAC 197-11-800(13)(c)

WAC 197-11-800(23)(c, e)

WAC 197-11-800(24)(a, b, c, d, f, g)

WAC 197-11-800(25)

c. The following SEPA categorical exemptions shall not apply to wetlands:

WAC 197-11-800(1), except for the construction of one new single family residence on an existing legal lot, provided the proposed development complies with RMC 4-3-050 and 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or 4-3-090.

WAC 197-11-800(2), except for the repair, remodeling, or maintenance of an existing single family residence, provided the proposed development complies with RMC 4-3-050 and 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or 4-3-090.

WAC 197-11-800(3)

WAC 197-11-800(4)

WAC 197-11-800(6)

WAC 197-11-800(8)

WAC 197-11-800(25)

4. Proposals Located within Critical Areas: The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this Section, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area. (Ord. 5841, 6-12-2017)

I. ENVIRONMENTAL CHECKLIST:

1. When Required: A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, along with the appropriate environmental fees, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this Section; except, a checklist is not needed if the Environmental Review Committee and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency.

2. Lead Agency and Threshold Determination: The department within the City receiving the application or initiating the action shall use the environmental checklist to determine the lead agency. If the City is the lead agency, the Environmental Review Committee shall use the environmental checklist for making the threshold determination.

3. Checklist Preparation:

a. For private proposals the department within the City receiving the application will require the applicant to complete the environmental checklist, providing assistance as necessary. The Environmental

Review Committee may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

i. The City has technical information on a question or questions that is unavailable to the private applicant; or

ii. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

b. For City proposals the department initiating the proposal shall complete the environmental checklist for that proposal.

4. Additional Information: The Environmental Review Committee may require specific detailed information at any time.

J. THRESHOLD DETERMINATION PROCESS:

This part contains rules for evaluating the impacts of the proposals not requiring an environmental impact statement (EIS). The City adopts the following sections by reference, as supplemental in this part:

WAC

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-355 Optional DNS process.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

1. Identification of Impacts: As much as possible, the Environmental Review Committee should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

2. Time Limits: The following time limits (expressed in calendar days) shall apply to the processing of all private projects and to those governmental proposals submitted to this City by other agencies:

a. Threshold determinations not requiring further information from the applicant or consultation with agencies with jurisdiction should be completed within fifteen (15) days of submission of an adequate application and the completed checklist.

b. Threshold determinations requiring further information from the applicant or consultation with other agencies with jurisdiction should be completed within twenty (20) days of receiving the requested information from the applicant or the consulted agency; requests by the City for such further information should be made within twenty (20) days of the submission of an adequate application and completed checklist; when a request for further information is submitted to a consulted agency, the City shall wait a maximum of thirty (30) days for the consulted agency to respond. Threshold determinations which require that further studies including, but not limited to, field investigations be initiated by the City should be completed within thirty (30) days of submission of an adequate application and the completed checklist.

c. Threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impacts described in the application, shall be completed within twenty (20) days of submission of an adequate application and the completed checklist.

d. When a threshold determination is expected to require more than twenty (20) days to complete and a private applicant requests notification of the date when a threshold determination will be made, the Environmental Review Committee or its agent shall transmit to the private applicant a written statement as to the expected date of decision.

3. Mitigated DNS Authorized: As provided in this Section and in WAC 197-11-350, the Environmental Review Committee may issue a DNS based on changes to, or clarification of, the proposal made by the applicant.

4. Changed Proposal: When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the Environmental Review Committee shall base its threshold determination on the changed or clarified proposal and should make the determination within twenty (20) days of receiving the changed or clarified proposal.

5. DNS Authorized: If the Environmental Review Committee indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the Environmental Review Committee shall issue and circulate a DNS under WAC 197-11-340(2).

6. DNS or DS Authorized: If the Environmental Review Committee indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the Environmental Review Committee shall make the threshold determination, issuing a DNS or DS as appropriate.

7. Mitigation Measures: The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific, feasible and enforceable. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two hundred foot (200') stormwater retention pond at Y location" are adequate.

a. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

b. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.

8. Public Comment and Notice Period: A mitigated DNS (MDNS) is issued under WAC 197-11-340(2), requiring a fifteen (15) day comment period and public notice.

9. Staff Recommendation: For nonexempt proposals, the DNS for the proposal shall accompany the City's staff recommendation to the Hearing Examiner or other appropriate advisory body, such as the Planning Commission.

10. Effect of MDNS: The Environmental Review Committee's written response under this Section (DNS) shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the Environmental Review Committee to consider the clarification or changes in its threshold determination.

11. Request for Early Notice: An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350.

a. The request must follow submission of an environmental checklist for a nonexempt proposal for which the City is lead agency and precede the City's actual threshold determination for proposal.

b. The Environmental Review Committee should respond to the request for early notice within fifteen (15) working days. The response shall:

i. Be written;

ii. State whether the Environmental Review Committee currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the Environmental Review Committee to consider a DS; and

iii. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

K. ENVIRONMENTAL IMPACT STATEMENTS (EIS):

1. Purpose: This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared and contains the rules for preparing environmental impact statements. The City adopts the following sections by reference, as supplemented by this part:

WAC

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS timing.

197-11-408 Scoping.

197-11-410 Expanded scoping (Optional).

197-11-420 EIS preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposal.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other considerations.

197-11-450 Cost-benefit analysis.

197-11-455 Issuance of DEIS.

197-11-460 Issuance of FEIS.

2. Review of draft and final EIS (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Environmental Review Committee. Before the City issues an EIS, the Environmental Review Committee shall be satisfied that it complies with this Section and chapter 197-11 WAC.

3. Preparation of Environmental Impact Statement: The DEIS and FEIS or draft and final SEIS shall be prepared by the City staff, the applicant, or by a consultant selected by the City through its consultant selection process. If the Environmental Review Committee requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the Environmental Review Committee shall notify the applicant immediately after completion of the threshold determination. The Environmental Review Committee shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

4. Information Required: The City may require an applicant to provide information the City does not possess, including, but not limited to, specific investigations. However, the applicant is not required to supply information that is not required under this Section or that is being requested from another agency. (This does not apply to information the City may request under another ordinance or statute.)

5. Staff Recommendation: For nonexempt proposals, the final EIS for the proposal shall accompany the City's staff recommendation to the Hearing Examiner or other appropriate advisory body, such as the Planning Commission.

6. Information Shall Be Provided: The Environmental Review Committee may refuse to process and consider a private application further if the applicant fails or refuses to provide information required for the preparation of an adequate EIS.

7. Additional Elements: The Environmental Review Committee may require the following additional elements as part of the environment for the purpose of EIS content, but these elements do not add to the criteria for threshold determination or perform any other function or purpose under this Section.

a. Economics, including the effects on both the public and private sector,

b. Cultural factors,

c. Quality of life,

d. Neighborhood cohesion,

e. Sociological factors, and

f. Image of the City.

L. RECONSIDERATIONS: (RESERVED)

M. SEPA SUBSTANTIVE AUTHORITY:

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. The City adopts the following sections by reference:

WAC

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

1. Supplemental Policies and Goals: The policies and goals set forth in this Section are supplementary to those in the existing authorization of the City of Renton.

2. Substantive Authority: The City designates and adopts by reference the following policies as the basis for the City exercise of authority pursuant to this Section:

a. The City shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:

i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

iv. Preserve important historic, cultural, and natural aspects of our national heritage;

v. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

b. The City adopts, by reference, the policies in the following City codes, ordinances, resolutions and plans as they currently appear and as hereafter amended:

Cedar River Master Plan (1976)

Comprehensive Solid Waste Management Plan (1983)

Green River Valley Plan (1984)

Fire Department Master Plan (1987)

Airport Master Plan

King County Stormwater Management Manual (1990)

Comprehensive Water System Plan

Comprehensive Park, Recreation and Open Space Plan

Long Range Wastewater Management Plan

King County Comprehensive Housing Affordability Strategy (CHAS)

Shoreline Master Program

King County Solid Waste Management Plan

Countywide Planning Policies

Six-Year Transportation Improvement Plan

Street Arterial Plan

Traffic Mitigation Resolution and Fee (1994)

Parks Mitigation Resolution and Fee (1994)

Fire Mitigation Resolution and Fee (1994)

Comprehensive Plan

3. Attaching Conditions: The City may attach conditions to a permit or approval for a proposal so long as:

a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this Section; and

b. Such conditions are in writing; and

c. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

d. The City has considered whether other local, State, or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

e. Such conditions are based on one or more policies in subsection M2 of this Section and cited in the license or other decision document.

4. Denial Authorized: The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Section; and

b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

c. The denial is based on one or more policies identified in subsection M2 of this Section and identified in writing in the decision document.

5. Environmental Review Committee Recommendations: Where a FEIS or DNS has been prepared, the Environmental Review Committee may recommend to the decision maker those reasonable conditions necessary to mitigate or avoid the adverse impacts of the proposal. Said recommendation

shall be adopted as a condition of approval, unless the decision maker identifies in writing a substantial error in fact or conclusion by the Environmental Review Committee.

6. Action of Decision Maker: Based upon such finding, the decision maker may revise the recommended conditions or may remand the proposal to the Environmental Review Committee for reconsideration. Nothing in this provision shall be deemed to limit the authority of the decision maker to impose conditions under SEPA beyond those recommended by Environmental Review Committee or to condition or deny a proposal based upon other statutory authority.

N. USING EXISTING ENVIRONMENTAL DOCUMENTS:

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the City's own environmental compliance. The City adopts the following sections by reference:

WAC

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement – Procedures.

197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.

197-11-635 Incorporation by reference – Procedures.

197-11-640 Combining documents.

O. PUBLIC NOTICE AND COMMENTING:

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The City adopts the following sections by reference, as supplemented in this part:

WAC

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

1. Threshold Determinations: Whenever the Environmental Review Committee of the City of Renton issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the Environmental Review Committee shall give public notice as follows:

a. If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by:

i. Posting on the property for site-specific proposals, or posting on the City's webpage for non-site-specific proposals; and

ii. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located.

b. Whenever the Environmental Review Committee issues a DS under WAC 197-11-360(3), the Environmental Review Committee shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

2. Public Notice: Whenever the Environmental Review Committee issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

a. Posting on the property for site-specific proposals, or posting on the City's webpage for non-site-specific proposals; and

b. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located.

3. Consolidation of Public Notice: Whenever possible, the Environmental Review Committee shall integrate the public notice required under this Section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal.

4. Responsibility of Cost: The Environmental Review Committee may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

5. Notice: The City, applicant for, or proponent of any action may publish a notice of action pursuant to RCW 43.21C.080 for any action. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the City Clerk or County Auditor, applicant or proponent pursuant to RCW 43.21C.080. An applicant's request for publication shall include payment of the costs associated with such notice.

6. Record Retention: The City shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17-RCW. (Ord. 5841, 6-12-2017)

P. DEFINITIONS AND INTERPRETATION OF TERMS:

This part contains uniform usage and definitions of terms under SEPA. The City adopts the following sections by reference, as supplemented by WAC 173-806-040.

WAC

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption.

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-721 Closed record appeal.

197-11-722 Consolidated appeal.

197-11-724 Consulted agency.

197-11-726 Cost-benefit analysis.

197-11-728 County/city.

197-11-730 Decision maker.

197-11-732 Department.

197-11-734 Determination of nonsignificance (DNS).

197-11-736 Determination of significance (DS).

197-11-738 EIS.

197-11-740 Environment.

197-11-742 Environmental checklist.

197-11-744 Environmental document.

197-11-746 Environmental review.

197-11-750 Expanded scoping.

197-11-752 Impacts.

197-11-754 Incorporation by reference.

197-11-756 Lands covered by water.

197-11-758 Lead agency.

197-11-760 License.

197-11-762 Local agency.

197-11-764 Major action.

197-11-766 Mitigated DNS.

197-11-768 Mitigation.

197-11-770 Natural environment.

197-11-772 NEPA.

197-11-774 Nonproject.

197-11-775 Open record hearing.

197-11-776 Phased review.

197-11-778 Preparation.

197-11-780 Private project.

197-11-782 Probable.

197-11-784 Proposal.

197-11-786 Reasonable alternative.

197-11-788 Responsible official.

197-11-790 SEPA.

197-11-792 Scope.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

1. Interpretation:

a. Unless the context clearly requires otherwise:

i. Use of the singular shall include the plural and conversely.

ii. "Preparation" of environmental documents refers to preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements.

iii. "Impact" refers to environmental impact.

iv. "Permit" means "license" (WAC 197-11-760).

v. "Commenting" includes but is not synonymous with "consultation."

vi. "Environmental cost" refers to adverse environmental impact and may or may not be quantified.

vii. "EIS" refers to draft, final, and supplemental EISs (WAC 197-11-405 and 197-11-738).

viii. "Under" includes pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

ix. "Shall" is mandatory.

x. "May" is optional and permissive and does not impose a requirement.

xi. "Include" means "include but not limited to."

b. The following terms are synonymous:

i. Effect and impact (WAC 197-11-752).

ii. Environment and environmental quality (WAC 197-11-740).

iii. Major and significant (WAC 197-11-764 and 197-11-794).

iv. Proposal and proposed action (WAC 197-11-784).

v. Probable and likely (WAC 197-11-782).

c. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this Section, the following terms shall have the following meanings, unless the context indicates otherwise:

DEPARTMENT: Any division, subdivision or organizational unit of the City established by ordinance, rule, or order.

DNS: Determination of nonsignificance.

DS: Determination of significance.

EARLY NOTICE: The City's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

EIS: Environmental impact statement.

ERC: The Environmental Review Committee of the City of Renton.

ORDINANCE: The ordinance, resolution, or other procedure used by the City to adopt regulatory requirements.

SEPA RULES: Chapter 197-11 WAC adopted by the Department of Ecology.

Q. FORMS ADOPTED BY REFERENCE:

The City adopts the following forms and sections by reference:

WAC

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

R. APPEALS:

Except for permits and variances issued pursuant to RMC 4-3-090, Shoreline Master Program Regulations, when any proposal or action is granted, conditioned, or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the Hearing Examiner under the provisions of RMC 4-8-110, Appeals.

S. EXPIRATION: (RESERVED)

T. MODIFICATIONS OF APPROVED PLANS: (RESERVED)

4-9-190 Shoreline Permits

A. PURPOSE:

The purpose of this Section is to ensure consistency with the State Shoreline Management Act and with the City's Shoreline Master Program.

B. SHORELINE DEVELOPMENT APPROVAL:

1. Development Compliance: All uses and developments within the jurisdiction of the Shoreline Management Act (hereinafter the "Act") shall be planned and carried out in a manner that is consistent with the Shoreline Master Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The Administrator~~ of the Department of Community and Economic Development or designee~~ shall assure compliance with the provisions of the Shoreline Master Program for all permits and approvals processed by the City~~.~~, and may add conditions of approval in order to assure compliance.

2. Shoreline Overlay: Shoreline regulations shall apply as an overlay and in addition to development regulations, including but not limited to zoning, environmental regulations, development standards, subdivision regulations, and other regulations established by the City.

a. Allowed uses shall be limited by the general polices and specific regulations regarding use preferences for water-dependent and water-oriented uses. Allowed uses may be specified and limited in specific shoreline permits. In the case of nonconforming development, the use provisions of this code shall be applied to any change of use, including occupancy permits.

b. In the event of any conflict between shoreline policies and regulations and any other regulations of the City, shoreline policies and regulations shall prevail unless other regulations provide greater protection of the shoreline natural environment and aquatic habitat.

c. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies, found in the City's Comprehensive Plan, establish intent for the shoreline regulations in addition to chapter 90.58 RCW and chapters 173-26 and 173-27 WAC.

3. Substantial Development Permit: A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW~~ 90.58.140(1).~~ 90.58 or WAC 173.27. An exemption from obtaining a shoreline substantial development permit is not an exemption from compliance with the Act, the Shoreline Master Program, or from any other regulatory requirements.

a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

b. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.

c. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

4. Shoreline Conditional Use Permit: A development or use that is listed as a shoreline conditional use pursuant to the Shoreline Master Program or is an unlisted use must obtain a conditional use permit even if the development or use does not require a substantial development permit.

5. Shoreline Variance: When an activity or development is proposed that does not comply with the bulk, dimensional, and/or performance standards of the program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

6. Land Division: In the case of land divisions, such as short subdivisions, long plats and planned unit developments, the Administrator ~~of the Department of Community and Economic Development or designee~~ shall document compliance with bulk and dimensional standards as well as policies and regulations of the Shoreline Master Program and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities and future use associated with such land division(s) are consistent with the Shoreline Master Program.

7. Approval Criteria: In order to be approved, the Administrator ~~of the Department of Community and Economic Development or designee~~ must find that a proposal is consistent with the following criteria:

a. All regulations of the Shoreline Master Program appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance.

b. All policies of the Shoreline Master Program appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated. A reasonable proposal that cannot fully conform to these policies may be permitted, provided it is demonstrated to the Administrator ~~of the Department of Community and Economic Development or designee~~ that the proposal is clearly consistent with the overall goals, objectives and intent of the Shoreline Master Program.

c. For projects located on Lake Washington the criteria in RCW 90.58.020 regarding shorelines of statewide significance and relevant policies and regulations of the Shoreline Master Program shall also be adhered to.

8. Written Findings Required: All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Administrator ~~of the Department of Community and Economic Development or designee~~, including compliance with bulk and dimensional standards and policies and regulations of the Shoreline Master Program. The Administrator ~~of the Department of Community and Economic Development or designee~~ may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the program.

9. Building Permit Compliance: For all development within shoreline jurisdiction, the Administrator ~~of the Department of Community and Economic Development or designee~~ shall not issue a building permit for such development until compliance with the Shoreline Master Program has been documented. If a shoreline substantial development permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the Administrator ~~of the Department of Community and Economic Development or designee~~ for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

10. Restoration Project Relief: The City may grant relief from Shoreline Master Program development standards and use regulations when the following apply:

a. A shoreline restoration project causes or would cause a landward shift in the OHWM, resulting in the following:

i. Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable Shoreline Master Program; and

iii. Application of Shoreline Master Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

b. The proposed relief meets all of the following criteria:

i. The proposed relief is the minimum necessary to relieve the hardship;

ii. After granting the proposed relief, there is net environmental benefit from the restoration project;

iii. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Shoreline Master Program; and

iv. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this Section.

c. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

i. Except as otherwise provided in subsection B10d of this Section, the Department of Ecology shall provide at least twenty (20) days' notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on to their website.

ii. The department shall act within thirty (30) calendar days of close of the public notice period, or within thirty (30) days of receipt of the proposal from the local government if additional public notice is not required.

d. The public notice requirements of subsection B10c of this Section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

i. The restoration plan has been approved by the department under applicable Shoreline Master Program guidelines; and

ii. The shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and

iii. The Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

C. EXEMPTIONS FROM PERMIT SYSTEM:

1. The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). An exemption from an SSDP is not an exemption from compliance with the Act or the Shoreline Master Program, or from any other regulatory requirements.

~~1~~a. *Governor's Certification:* Any project with a certification from the Governor pursuant to chapter 80.50 RCW.

~~2~~b. *Projects Valued at $~~5,000~~ 7,047 or Less:* Any development of which the total cost or fair market value does not exceed ~~five~~seven thousand forty-seven dollars ($~~5,000.00),~~7,047) , if such development does not materially interfere with the normal public use of the water or shorelines of the State.

~~3~~c. *Maintenance and Repair:* Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.

~~a~~i. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

~~b~~ii. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.

~~c~~iii. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

~~4~~d. *Emergency Construction:* Emergency construction necessary to protect property from damage by the elements.

~~a~~i. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the Shoreline Master Program.

~~b~~ii. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency,

pursuant to chapter 90.58 RCW, chapter 17-27 WAC or the Shoreline Master Program shall be obtained.

~~c~~iii. All emergency construction shall be consistent with the policies of chapter 90.58- RCW and the Shoreline Master Program.

~~d~~iv. In general, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

~~5~~e. *Agricultural Construction or Practices:* Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

~~6~~f. *Construction of Single Family Residence and Accessory Buildings:* Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty five feet (35') above average grade level as defined in WAC 173-27-030 and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.

~~a~~i. "Single family" residence means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.

~~b~~ii. Construction authorized under this exemption shall be located landward of the OHWM.

~~7~~g. *Construction of Noncommercial Docks:* Construction of a dock including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences.

~~a~~i. This exception applies if the fair market value of the dock does not exceed: (A) twenty thousand dollars ($20,000.00) for docks that are constructed to replace existing docks and are of equal or lesser square footage than the dock being replaces; or (B) ten thousand dollars ($10,000.00~~); however~~) for all other docks constructed in fresh waters. However, if subsequent

construction ~~having a fair market value exceeding two thousand five hundred dollars ($2,500.00)~~ occurs within five (5) years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development permit; and

~~b~~ii. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

~~8~~h. *Construction Authorized by the Coast Guard:* Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

~~9~~i. *Operation, Maintenance, or Construction Related to Irrigation:* Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

~~10~~j. *Marking of Property Lines on State-Owned Lands:* The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.

~~11~~k. *Operation and Maintenance of Agricultural Drainage or Dikes:* Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

~~12~~l. *Activities Necessary for Permit Application:* Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, if:

~~a~~i. The activity does not interfere with the normal public use of the surface waters.

~~b~~ii. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.

~~c~~iii. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

~~d~~iv. A private entity seeking development authorization under the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the Planning Division to ensure that the site is restored to pre-existing conditions.

~~e~~v. The activity is not subject to the permit requirements of RCW 90.58.550.

~~13~~m. *Removal or Control of Aquatic Noxious Weeds:* The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of a herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.

~~14~~n. *Watershed Restoration Projects:* Watershed restoration projects as defined below:

~~a~~i. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

~~i.~~(a) A project that involves less than ten (10) miles of streamreach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

~~ii.~~(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

~~iii.~~(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure, other than a bridge or culvert or in stream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.

~~b~~ii. "Watershed restoration plan" means a plan, developed or sponsored by a State department, a federally recognized Indian Tribe, a city, a county or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

~~15~~o. *Projects to Improve Fish and Wildlife Passage or Habitat:* A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

~~a~~i. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.

~~b~~ii. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW.

~~c~~iii. The Planning Division has determined that the project is consistent with the Shoreline Master Program.

~~16~~p. *Hazardous Substance Remediation:* Hazardous substance remedial actions pursuant to WAC 173-27-040(3).

~~17~~q. *Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration:* Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the OHWM that brings the land under the jurisdiction of the Act.

r. *Americans with Disabilities Act:* The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1900 (42 U.S.C. Sec 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

i. Developments not required to obtain shoreline permits or local reviews: Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(a) Remedial Actions: Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decrees, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW.

(b) Boatyard Improvement to Meet NPDES Permit Requirements: Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.

(c) WSDOT Facility Maintenance and Safety Improvements: Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain shoreline permits or local reviews.

(d) Environmental Excellence Program: Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(e) Energy Facility Site Evaluation: Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

D. EXEMPTION CERTIFICATE PROCEDURES:

1. Application Required: Any person claiming exemption from the permit requirements of the Shoreline Master Program as a result of the exemptions specified in this Section shall make application for a no-fee exemption certificate to the Planning Division in the manner prescribed by that division.

2. Consistency Required: Any development which occurs within the regulated shorelines of the State under Renton's jurisdiction, whether it requires a permit or not, must be consistent with the intent of the State law.

3. Conditions Authorized: The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the Shoreline Master Program.

4. Permit Required if Project Not Exempt in Part: If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

E. SHORELINE PERMIT APPLICATION PROCEDURES:

1. Information Prior to Submitting a Shoreline Substantial Development Permit Application: Prior to submitting an application for a shoreline permit or an exemption from a shoreline permit, the applicant should informally discuss a proposed development with the Planning Division. This will enable the applicant to become familiar with the requirements of the Shoreline Master Program, building and zoning procedures, and enforcement procedures.

2. Shoreline Substantial Development Permit Required: No shoreline development shall be undertaken on shorelines of the City without first obtaining a "substantial development permit" from the Planning Division.

3. Shoreline Substantial Development Permit Application Forms and Fees: Fees shall be as listed in RMC 4-1-170, Land Use Review Fees. Applications for such permits shall be made on forms and reviewed according to procedures prescribed by the Planning Division. Application forms may be revised from time to time by the Planning Division without prejudice to any existing applications. Such forms should be designed to provide such information as is necessary to determine whether such a permit is justified.

4. Secondary Review by Independent Qualified Professionals: When appropriate due to the type of critical areas, habitat, or species present, or project area conditions, the Administrator ~~of the Department of Community and Economic Development or designee~~ may require the applicant to prepare or fund analyses or activities conducted by a third party or parties selected by the Administrator ~~of the Department of Community and Economic Development or designee~~ and paid for by the applicant. Analyses and/or activities conducted under this subsection include, but are not limited to:

a. Evaluation by an independent qualified professional of the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and

b. A request for consultation with the Washington Department of Fish and Wildlife, Washington State Department of Ecology, or the local Native American Indian Tribe or other appropriate agency; and/or

c. Analysis of detailed surface and subsurface hydrologic features both on and adjacent or abutting to the site.

5. Public Notice: Three (3) copies of a notice of development application shall be posted prominently on the property concerned and in conspicuous public places within three hundred feet (300') thereof. The notice of development application shall also be mailed to property owners within three hundred feet (300') of the boundaries of the subject property. The required contents of the notice of development application are detailed in RMC 4-8-090B, Public Notice Requirements.

6. Standard Public Comment Time: Each notice of development application shall include a statement that persons desiring to present their views to the Planning Division with regard to said application may do so in writing to that division and persons interested in the Planning Division's action on an application for a permit may submit their views in writing or notify the Planning Division in writing of their interest within fourteen (14) days from the date of the notice of application.

7. Special Public Comment Time: Notice of development application for a substantial development permit regarding a limited utility extension as defined in RCW 90.58.140(11)(b) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall include a fourteen (14) day comment period.

Such notification or submission of views to the Planning Division shall entitle those persons to a copy of the action taken on the application.

8. Review Guidelines: Unless exempted or authorized through the variance or conditional use permit provisions of the Shoreline Master Program, no substantial development permit and no other permit shall

be granted unless the proposed development is consistent with the provisions of the Shoreline Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology thereunder.

9. Conditional Approval: Should the Administrator ~~of the Department of Community and Economic Development or designee~~ find that any application does not substantially comply with criteria imposed by the Shoreline Master Program and the Shoreline Management Act of 1971, he/she may deny such application or attach any terms or condition which he/she deems suitable and reasonable to effect the purpose and objective of the Shoreline Master Program.

10. Notification: It shall be the duty of the Planning Division to timely furnish copies of all applications and actions taken by said division unto such other officials or departments whose jurisdiction may extend to all or any part of the proposed development, including any State or Federal agencies and Indian tribes.

F. REVIEW CRITERIA:

1. General: The Planning Division shall review an application for a permit based on the following:

a. The application.

b. The environmental checklist or environmental impact statement, if one is required.

c. Written comments from interested persons.

d. Information and comments from all affected City departments.

e. Evidence presented at a public hearing.

f. No authorization to undertake use or development on shorelines of the State shall be granted by the Administrator ~~of the Department of Community and Economic Development or designee~~ unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Shoreline Master Program.

2. Additional Information: The Planning Division may require an applicant to furnish information and data in addition to that contained or required in the application forms prescribed. Unless an adequate environmental statement has previously been prepared for the proposed development by another agency, the City's Environmental Review Committee shall cause to be prepared such a statement, prior to granting a permit, when the State Environmental Policy Act of 1971 would require such a statement.

3. Procedural Amendments: In addition to the criteria hereinabove set forth in this Section, the Department of Community and Economic Development may from time to time promulgate additional

procedures or criteria and such shall become effective, when reduced to writing, and filed with the City Clerk and as approved by the City Council and the Department of Ecology.

4. Burden of Proof on Applicant: The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted shall be on the applicant.

G. SURETY DEVICES:

The Planning Division may require the applicant to post a surety device in favor of the City of Renton to assure full compliance with any terms and conditions imposed by said department on any shoreline permit. Said surety device shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated and in accordance with RMC 4-1-230, Surety and Bonds.

H. ADMINISTRATIVE APPEALS:

The Department of Community and Economic Development shall have the final authority to interpret the Shoreline Master Program for the City of Renton. Where an application is denied or changed, per subsection E6 of this Section, an applicant may appeal the decision denying or changing a "substantial development permit" to the Shoreline Hearings Board for an open record appeal in accordance with RMC 4-8-110. See RMC 4-8-110H for appeal procedures to the Shoreline Hearings Board.

I. VARIANCES AND CONDITIONAL USES:

1. Purpose: The power to grant variances and conditional use permits should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

2. Authority:

a. Conditional Use Permits: Conditional use permits shall be processed either by the Hearing Examiner or administratively in accordance with the provisions of RMC 4-2-060, Zoning Use Table; provided, that:

i. Additional requirements for conditional use permits may be provided within shoreline jurisdiction in this Section and will prevail over the provisions of RMC 4-2-060.

ii. If an administrative process is not specified, a conditional use permit shall be processed by the Hearing Examiner.

iii. Proposed uses not specified in this Section or in RMC 4-2-060 and not prohibited may be allowed by Hearing Examiner conditional use permit.

b. Variances: The Hearing Examiner shall have authority to grant conditional use permits and variances in the administration of the Renton Master Program.

c. State Department of Ecology Decision: Both variances and conditional use permits are forwarded to the Department of Ecology and the Attorney General's office for approval or denial.

d. Time Limit, Permit Validity, and Appeals: Conditional permits and variances shall be deemed to be approved within thirty (30) calendar days from the date of receipt by the Department of Ecology and the Attorney General's office unless written communication is received by the applicant and the City indicating otherwise.

i. Conditional use permits and variances shall be filed with the State in accordance with RCW 90.58.140(6) and WAC 173-27-130.

ii. Permit validity requirements of subsection J of this Section shall apply to conditional use and variance permits.

iii. Appeals of conditional use or variance permits shall be made in accordance with RMC 4-8-110H.

3. Maintenance of Permitted Uses Allowed: It shall be recognized that a lawful use at the time the Shoreline Master Program is adopted is to be considered a permitted use, and maintenance and restoration shall not require a variance or a conditional use permit.

4. Variances:

a. Purpose: Upon proper application, a substantial development permit may be granted which is at variance with the criteria established in the Shoreline Master Program where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the Shoreline Master Program would cause undue and unnecessary hardship or practical difficulties.

b. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Shoreline Master Program is not, by itself, sufficient reason for a variance. The Hearing Examiner must find each of the following:

i. Exceptional or extraordinary circumstances or conditions applying to the subject property, or to the intended use thereof, that do not apply generally to other properties on shorelines in the same vicinity.

ii. The variance permit is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity.

iii. The variance permit will not be materially detrimental to the public welfare or injurious to property on the shorelines in the same vicinity.

iv. The variance granted will be in harmony with the general purpose and intent of the Shoreline Master Program.

v. The public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance shall be denied, but each property owner shall be entitled to the reasonable use and development of his lands as long as such use and development is in harmony with the general purpose and intent of the Shoreline Management Act of 1971, and the provisions of the Shoreline Master Program.

vi. The proposal meets the variance criteria in WAC 173-27-170.

vii. Proposals that vary the size of the vegetation conservation buffer must provide for off-site mitigation in accordance with RMC 4-3-090F1k.

5. Conditional Use:

a. Purpose: Upon proper application, and findings of compliance with conditional use permit criteria, a conditional use permit may be granted. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Shoreline Master Program. With provisions to control undesirable effects, the scope of uses can be expanded to include many uses.

b. Decision Criteria: Uses classified as conditional uses can be permitted only after consideration and by meeting such performance standards that make the use compatible with other permitted uses within that area. A conditional use permit may be granted subject to the Administrator ~~of the Department of Economic Development or designee~~ determining compliance with each of the following conditions:

i. The use must be compatible with other permitted uses within that area.

ii. The use will not interfere with the public use of public shorelines.

iii. Design of the site will be compatible with the surroundings and the Shoreline Master Program.

iv. The use shall be in harmony with the general purpose and intent of the Shoreline Master Program.

v. The use meets the conditional use criteria in WAC 173-27-160.

J. TIME REQUIREMENTS FOR SHORELINE PERMITS:

1. Applicability: The time requirements of this Section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under the Shoreline Master Program.

2. Unspecified Time Limits: Where specific provisions are not included to establish time limits on a permit as part of action on a permit by the City or the Department of Ecology, the time limits in subsections J6 and J8 of this Section apply.

3. Discretionary Time Limits for Shoreline Substantial Developments: If it is determined that standard time requirements of subsections J6 and J8 of this Section should not be applied, the Planning Division shall adopt appropriate time limits as a part of action on a substantial development permit upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the Shoreline Master Program and RCW 90.58.143.

4. Discretionary Time Limits for Shoreline Conditional Uses or Shoreline Variances: If it is determined that standard time requirements of subsections J6 and J8 of this Section should not be applied, the Hearing Examiner, upon a finding of good cause and with the approval of the Department of Ecology, shall establish appropriate time limits as a part of action on a conditional use or variance permit. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

5. Extension Requests: Requests for permit extension shall be made in accordance with subsections J6 and J8 of this Section.

6. Standard Period of Validity: Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143 and subsection J2 or J3 of this Section, construction activities, or a use or activity, for which a permit has been granted pursuant to the Shoreline Master Program must be commenced within two (2) years of the effective date of a shoreline permit, or the shoreline permit shall terminate, and a new permit shall be necessary. However, the Planning Division may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed with the Planning Division before the expiration date, and notice of the proposed extension is given to parties of record and the Department of Ecology.

7. Certification of Construction Commencement: Construction activities or commencement of construction referenced in subsection J6 of this Section means that construction applications must be submitted, permits must be issued, and foundation inspections must be completed before the end of the two (2) year period.

8. Time Allowed for Construction Completion: A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143- and subsection J2 or J3 of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit the Planning Division shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted building codes.

9. Effective Date of Filing: For purposes of determining the life of a shoreline permit, the effective date of a substantial development permit, shoreline conditional use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections J6 and J8 of this Section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

10. Notification to City of Other Permits and Legal Actions: It is the responsibility of the applicant to inform the Planning Division of the pendency of other permit applications filed with agencies other than the City, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the Division prior to the expiration date established by the shoreline permit or the provisions of this Section, the expiration of a permit shall be based on the effective date of the shoreline permit.

11. Permit Processing Time: The City shall issue permits within applicable time limits specified by State law. Substantial development permits for a limited utility extension as defined in RCW 90.58.140(11)(b) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be issued within twenty one (21) days of the last day of the comment periods specified in subsections E6 and E7 of this Section. Permit review time for projects on a state highway is pursuant to RCW 47.01.485.

12. Construction Not Authorized Until Proceedings Completed: No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until twenty one (21) days from the date the permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

13. Special Allowance for Construction: If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shoreline Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(b).

K. RULINGS TO STATE:

Any ruling on an application for a substantial development permit under authority of the Shoreline Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the Planning Division. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

L. TRANSFERABILITY OF PERMIT:

If a parcel which has a valid shoreline permit is sold to another person or firm, such permit may be transferred to the new owner.

M. ENFORCEMENT:

All provisions of the Shoreline Master Program shall be enforced by the Planning Division. For such purposes, the Administrator ~~of the Department of Community and Economic Development or his duly authorized representative~~ shall have the power of a police officer.

N. RESCISSION OF PERMITS:

1. Noncompliance with Permit: Any shoreline permit issued under the terms of the Shoreline Master Program may be rescinded or suspended by the Planning Division of the City upon a finding that a permittee has not complied with conditions of the permit.

2. Notice of Noncompliance: Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which notice shall be sent by registered or certified mail, return receipt requested, to the address listed on the application or to such other address as the applicant or permittee may have advised the City; or such notice may be served on the applicant or permittee in person or his agent in the same manner as service of summons as provided by law.

3. Posting: In addition to such notice, the Planning Division shall cause to have notice posted in three (3) public places of which one posting shall be at or within the area described in the permit.

4. Public Hearing: Before any such permit can be rescinded, a public hearing shall be held by the Hearing Examiner. Notice of the public hearing shall be made in accordance with RMC 4-8-090D, Public Notice Requirements.

5. Final Decision: The decision of the Hearing Examiner shall be the final decision of the City on all rescinded applications. A written decision shall be transmitted to the Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the City as are affected thereby and the legislative body of the City.

O. APPEALS:

See RMC 4-8-110H.

P. VIOLATIONS AND PENALTIES:

1. Prosecution: Every person violating any of the provisions of the Shoreline Master Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars ($1,000.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.

2. Injunction: The City Attorney may bring such injunctive, declaratory or other actions as are necessary to ensure that no uses are made of the shorelines of the State within the City's jurisdiction which are in conflict with the provisions and programs of the Shoreline Master Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.

3. Violators Liable for Damages: Any person subject to the regulatory program of the Shoreline Master Program who violates any provision of the Shoreline Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney may bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

Q. SHORELINE MORATORIUM:

1. The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act.

2. Prior to adopting such moratorium or other interim official controls, the City Council shall:

a. Hold a public hearing on the moratorium or control within sixty (60) days of adoption;

b. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; and

c. Notify the Department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing held.

3. Said moratorium or other official control shall provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

4. Said moratorium or control adopted under this Section may be effective for up to six (6) months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two (2) six (6) month periods if the City Council complies with subsection Q2a of this Section before each renewal.

5. If a moratorium or control is in effect on the date a proposed Master Program or amendment is submitted to the Department of Ecology, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six (6) months after the date of submittal if the department has not taken final action.

4-9-195 Routine Vegetation Management Permits

A. PURPOSE:

This Section provides a permit process for routine vegetation management implementing the tree retention and land clearing regulations in RMC 4-4-130.

B. AUTHORITY:

The Administrator is hereby authorized and directed to interpret and enforce all the provisions of this Section.

C. APPLICABILITY:

Unless exempted by RMC 4-4-130C, Allowed Tree Removal Activities, a Routine Vegetation Management Permit is required for any property where routine vegetation management activities are undertaken. (Ord. 5650, 12-12-2011)

D. PROCEDURES AND REVIEW CRITERIA:

Permits for routine vegetation management shall be processed as follows:

1. Submittal: An application for a routine vegetation management permit shall be submitted to the Development Services Division together with any necessary fees as specified in the City of Renton Fee Schedule.

2. Information Required: A routine vegetation management permit application shall contain the information requested in RMC 4-8-120, Submittal Requirements – Specific to Application Type.

3. Time: The permit shall be reviewed administratively within a reasonable period of time.

4. Review Criteria: All land clearing and tree removal activities shall comply with RMC 4-4-060, Grading, Excavation, and Mining Regulations, and shall meet the following criteria:

a. The lot shall comply with minimum tree density requirements pursuant to RMC 4-4-130, Tree Retention and Land Clearing Regulations.

b. The land clearing and tree removal shall be consistent with restrictions for critical areas, pursuant to RMC 4-4-130, Tree Retention and Land Clearing Regulations, and RMC 4-3-050, Critical Areas Regulations.

c. Removal of a landmark tree shall meet the review criteria for removal of a landmark tree, pursuant to RMC 4-4-130, Tree Retention and Land Clearing Regulations.

d. Street frontage and parking lot trees and landscaping shall be preserved, unless otherwise approved by the Administrator.

e. The land clearing and tree removal shall not remove any landscaping or protected trees required as part of a land development permit.

f. The land clearing and tree removal shall maintain visual screening and buffering between land uses of differing intensity, consistent with applicable landscaping and setback provisions.

g. The land clearing and tree removal shall not create or contribute to a hazardous condition, such as increased potential for blowdown, pest infestation, disease, or other problems that may result from selectively removing trees and other vegetation from a lot.

h. The land clearing and tree removal shall be consistent with the requirements of the Shoreline Master Program, pursuant to RMC 4-3-090F.1 Vegetation Conservation and RMC 4-4-130, Tree Retention and Land Clearing Regulations.

5. Routine Vegetation Management Permit Conditions: The routine vegetation management permit may be denied or conditioned by the City to restrict the timing and extent of activities or to require tree replacement in order to further the intent of this Section including:

a. Preserve and enhance the City's aesthetic character and maintain visual screening and buffering.

b. Preserve habitat to the greatest extent feasible.

c. Prevent landslides, accelerated soil creep, settlement and subsidence hazards.

d. Minimize the potential for flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.

e. Ensure that the proposal will be consistent with RMC 4-4-130D3, Restrictions for Critical Areas – General, and 4-4-130D4, Restrictions for Native Growth Protection Areas. (Ord. 5650, 12-12-2011)

f. Ensure that the proposal will be consistent with RMC 4-3-090 Shoreline Master Program Regulations.

6. Time Limits for Routine Vegetation Management Permits: Any permit for routine vegetation management shall be valid for one year from the date of issuance. An extension may be granted by the Administrator for a period of one year upon application by the property owner or manager. Application for such an extension must be made at least thirty (30) days in advance of the expiration of the original permit and shall include a statement of justification for the extension.

E. APPEALS:

Appeal of the decision to grant, grant with conditions, or deny a routine vegetation management permit shall be made consistent with RMC 4-8-110, Appeals.

F. VIOLATIONS AND PENALTIES:

Unless otherwise specified, violations of this Section are misdemeanors subject to RMC 1-3-1.

4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites

A shoreline use or development which was lawfully constructed or established prior to the effective date of the applicable Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program, may be continued; provided, that:

A. NONCONFORMING STRUCTURES:

Nonconforming structures within Shoreline Jurisdiction shall be governed by ~~RMC 4-10-050.~~,this section with the exception of docks and piers, which shall be governed by RMC 4-3-090E7, Piers and Docks, ~~and~~ shoreline stabilization structures, which shall be governed by RMC 4-3-090F4, Shoreline Stabilization. None of the provisions in RMC 4-10-095 shall be interpreted to allow the removal and reconstruction of a non-conforming structure unless the structure meets the provisions of RMC 4-10-050A.5 Limits on Restoration. The removal and reconstruction of all other non-conforming structures must meet the standards of RMC 4-3-090 Shoreline Master Program.

B. NONCONFORMING USES:

Nonconforming uses within Shoreline Jurisdiction shall be governed by RMC 4-10-060~~.~~, except where superseded by Subsection E or Subsection F of this Section.

C. NONCONFORMING SITE:

See section F.

~~A lot which does not conform to development regulations on a site not related to the characteristics of a structure including, but not limited to, the vegetation conservation, shoreline stabilization, landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and other regulations of the district in which it is located due to changes in Code requirements, condemnation or annexation.~~

D. ~~PRE-EXISTING LEGAL LOT:~~ RESERVED.

E. CONTINUATION OF USE:

The continuation of existing use and activities does not require prior review or approval. Operation, maintenance, or repair of existing legally established structures, infrastructure improvements, utilities, public or private roads, or drainage systems that do not require construction permits are allowed. Such improvements are only allowed if the activity does not modify the character, scope, or size of the original structure or facility or increase the impact to, or encroach further within, the sensitive area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or

repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the sensitive area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

F. PARTIAL AND FULL COMPLIANCE, ALTERATION OF AN EXISTING STRUCTURE OR SITE:

This section is applied when the dimensional standards of ~~The following provisions shall apply to~~ lawfully established uses, buildings and/or structures, and related site development that do not meet the specific standards of the Shoreline Master Program~~.~~, including, but not limited to, required building coverage, impervious area, building setbacks, vegetation conservation buffer width, and building height. This section shall not apply to demolition and rebuilding of an existing structure. Alteration or expansion of existing structures or impervious areas may take place with partial compliance with the standards of this Code, as provided below, provided that the proposed alteration or expansion will result in no net loss of shoreline ecological function. In no case shall a structure ~~with~~extending into a ~~nonconforming~~shoreline setback ~~from the shoreline~~or vegetation conservation buffer, be allowed to extend further waterward than the existing structure.

1. Partial Compliance for Non-Single-Family Development: The following provisions shall apply to all development except single family:

Alteration of an Existing Structure		**Compliance Standard**
Alteration Without Expansion	Expansion or remodel that does not change the building footprint or increase impervious surface.	No site changes required.
Minor Alteration	Expansion of building footprint by up to 500 sq. ft. or up to 10% (whichever is less); or	•Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either: O Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F1, Vegetation Conservation, consisting of revegetation of a native community of at least 50% of the area between an existing building and the water's edge; provided, that the area to be revegetated does not exceed 10 ft., unless a greater area is desired by the applicant, or O An alternate mitigation proposal prepared by a qualified professional and approved by Administrator ~~of the~~
	Expansion of impervious surface by up to 1,000 sq. ft. or up to 10% (whichever is less); or	

Alteration of an Existing Structure		Compliance Standard
	~~Remodeling or renovation that equals less than 30% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.~~	~~Department of Community and Economic Development or designee~~ that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer. •Remove over water structures that do not provide public access, or do not serve a water-dependent use.

Alteration of an Existing Structure		Compliance Standard
Moderate Alteration	Expansion of building footprint by more than 500 sq. ft. or between 10.1-25% (whichever is less); or	•Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either: O Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F1, Vegetation Conservation, consisting of revegetation of a native community of at least 80% of the area between an existing building and the water's edge, or at least 10 ft., or O An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator ~~of the Department of Community and Economic Development or designee~~ that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer. •Remove over water structures that do not provide public access, or do not serve a water-dependent use. •Piers and docks shall be required to replace any solid decking with light penetrating surfacing materials.
	Expansion of impervious surface by more than 1,000 sq. ft., or between 10.1-25% (whichever is less); or	
	~~Remodeling or renovation that equals 30.1-50% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.~~	
Major Alteration	Expansion of building footprint by more than 25%; or	•Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either: O Full compliance with Vegetation Conservation provisions of RMC 4-3-090F1, Vegetation Conservation, consisting of revegetation of a native community of the full required* buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or at least 10 ft., or O An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator ~~of the Department of Community and Economic Development or designee~~ that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer. •Remove over water structures that do not provide public access, or do not serve a water-dependent use. •Piers and docks shall be required to replace any solid decking with light penetrating surfacing materials. •Developments with existing shoreline stabilization shall mitigate for the impacts of shoreline stabilization in one of the following ways: O Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this Code shall be reviewed and upgraded according to the standards of RMC 4-3-090F4aiii, Shoreline Stabilization Alternatives Hierarchy, or O An alternative mitigation proposal prepared by a qualified professional and approved by the Administrator ~~of the Department of Community and Economic Development or designee~~ that would identify near shore
	Expansion of impervious surface by more than 25%; or	
	~~Remodeling or renovation that equals more than 50%of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.~~ ~~–~~	

Alteration of an Existing Structure		Compliance Standard
		mitigation to improve shoreline function or values on-site, or O If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F1k.

*The full ~~buffer/~~setback and buffer as required in RMC 4-3-090D7a, Shoreline Bulk Standards, or as modified under RMC 4-3-090F1,Vegetation Conservation.

~~2. Partial Compliance for Single Family Development: Lawfully constructed single family homes built before the adoption of the Shoreline Master Program (October 24, 2011) shall be considered conforming if expansion or replacement is consistent with the standards below:~~

~~Alteration of an Existing Structure~~		~~Compliance Standard~~
~~Alteration Without Expansion~~	~~Expansion or remodel that does not change the building footprint or increase impervious surface.~~	~~No site changes required.~~
~~Minor Alteration~~	~~Expansion of building footprint by up to 500 sq. ft. outside of the required* setback//buffer; or~~	~~No site changes required.~~
	~~Expansion of impervious surface by up to 1,000 sq. ft. outside of the required* setback//buffer.~~	
~~Moderate Alteration~~	~~Expansion of building footprint within the required* setback /buffer in any amount, or total expansion of 500 sq. ft. to 1,000 sq. ft.ft. //buffer; or~~	
	~~Expansion of impervious surface within the required* setback in any amount, or total expansion of 1,000 sq. ft. to 1,500 sq.ft.//buffer~~	~~• Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:~~ ~~O Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F1, Vegetation Conservation, consisting of revegetation of a native community of at~~

~~Alteration of an Existing Structure~~		~~Compliance Standard~~
		~~least 80% of the area between an existing building and the water's edge; provided, that the area to be revegetated need not be more than 25% of the lot depth in feet, or~~ ~~O An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.~~ ~~•Docks shall be required to replace solid decking with light penetrating surfacing materials.~~
~~Major Alteration~~	~~Expansion of building footprint by more than 1,000 sq. ft., or~~ ~~Expansion of impervious surface by more than 1,500 sq. ft.~~	~~•Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:~~ ~~O Full compliance with Vegetation Conservation provisions of RMC 4-3-090F1, Vegetation Conservation, consisting of revegetation of a native community of the full required* buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or~~ ~~O An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.~~ ~~• Docks shall be required to replace solid decking with light penetrating surfacing materials.~~ ~~•Developments with existing shoreline stabilization shall mitigate for the impacts of shoreline stabilization in one of the following ways:~~ ~~O Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this Code shall be reviewed and upgraded according to the standards of RMC 4-3-090F4aiii, Shoreline Stabilization Alternatives Hierarchy, or~~ ~~O An alternative mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would identify near shore mitigation to improve shoreline function or values on-site, or~~ ~~O If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F1k.~~

2. Partial Compliance for Single Family Development

Lawfully constructed single family homes and appurtenances and impervious area built before the adoption of the Shoreline Master Program (October 24, 2011) located wholly or partially within shoreline jurisdiction may be modified or expanded without a shoreline variance provided that the expansion/modification is located landward of the shoreline buffer required in RMC 4-3-090D.7.a. In such cases, the following shall apply:

a. If the residence is located wholly landward of the shoreline buffer and building setback, the expansion/modification may occur on the waterside of the structure provided it does not extend into the buffer or building setback.

b. If any portion of the residence is located waterward of the shoreline buffer and building setback, the expansion must occur landward of the shoreline buffer and building setback.

c. If the expansion/modification adds more than 500 square feet of impervious surface, including the primary structure and all accessory structures and appurtenances, the proponent shall be required to enhance an equal area of the shoreline buffer with native vegetation. This standard shall apply to the total of all new impervious surface area added in any 5-year period. Expansions/modifications of 500 square feet or less shall not require vegetation enhancement.

d. If the proponent removes impervious surface waterward of the shoreline buffer and building setback, the area (square feet) of removed impervious surface may be deducted from the total of new impervious surface area. If the reduction decreases the total amount of new impervious surface below 500 square feet, no buffer enhancement shall be required.

e. If the applicant is making an alteration to the primary structure, the cost of which exceeds 40 percent of the replacement cost of the structure in any 5-year period or constructing a new primary structure, vegetation enhancement shall be accomplished per 2.c or 2d, and in addition the following existing structures must be removed or otherwise brought into conformance:

   i. Remove over water structures that do not provide public access, or do not serve a water-dependent use.

   ii. Piers and docks shall be required to replace any solid decking with light penetrating surfacing materials.

   iii. Developments with existing shoreline stabilization shall mitigate for the impacts of shoreline stabilization in one of the following ways:

~~*The full buffer/setback as required in RMC 4-3-090D7a, Shoreline Bulk Standards, or as modified under RMC 4-3-090F1, Vegetation Conservation.~~

(a) ~~(Ord. 5633, 10-24-2011)~~Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this Code shall be reviewed and upgraded according to the standards of RMC 4-3-090F4aiii, Shoreline Stabilization Alternatives Hierarchy, or

(b) An alternative mitigation proposal prepared by a qualified professional and approved by the Administrator that would identify near shore mitigation to

improve shoreline function or values on-site, or

(c) If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F1k.

4-11 Definitions

4-11-020 DEFINITIONS B:

BUFFER, SHORELINES: A strip of land that is designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic, riparian, or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access. Uses and activities within the buffer are extremely limited. The buffer is measured horizontally upland from and perpendicular to the OHWM.

4-11-040 DEFINITIONS D:

DEVELOPMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A use consisting of the construction of exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any other projects of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level. This does not include dismantling or removing structures if there is no other associated development or redevelopment.

4-11-190 DEFINITIONS S:

SETBACK: (This definition for RMC-, Shoreline Master Program Regulations, use only.) A required ~~open space~~land area specified in the Shoreline Master Program, measured horizontally upland from and perpendicular to the ~~OHWM~~Vegetation Conservation Buffer within which no buildings or other permanent structures may be constructed and that serves to protect the vegetation conservation buffer during development activities, use, and routine maintenance of structures and improvements landward of the building setback.